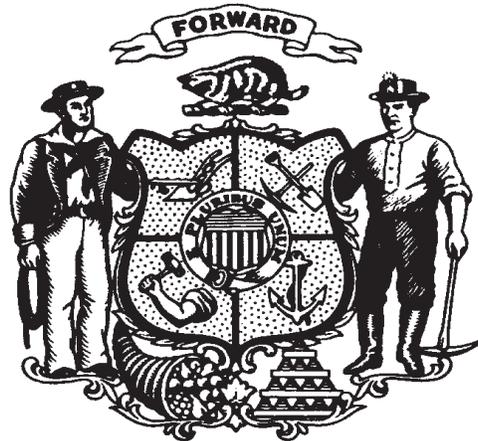


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Emergency rules now in effect

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at www.legis.state.wi.us/rsb/code.

Agriculture, Trade and Consumer Protection

Rules adopted revising **ch. ATCP 77**, relating to certification of drug residue screening laboratories and approval of laboratory analysts to perform drug residue screening tests on milk.

Finding of emergency

The Department of Agriculture, Trade and Consumer Protection ("department") finds that an emergency exists and that the following emergency rule is necessary to protect the public welfare. This emergency rule will bring Wisconsin into compliance with federal requirements. Wisconsin must comply with the federal requirements in order for Wisconsin dairy plants to continue shipping milk in interstate commerce. Interstate milk shipments are critical for the state's dairy industry, and for the overall economy and well being of the state. The facts constituting the emergency are as follows:

(1) Grade A milk shipments are governed by the Interstate Pasteurized Milk Ordinance (PMO), jointly administered by the United States Food and Drug Administration (FDA) and the National Conference of Interstate Milk Shippers (representing participating states). In order for Wisconsin dairy plants to ship milk in interstate, Wisconsin must comply with the PMO and FDA mandates related to the PMO. Under s. 97.24, Stats., the Wisconsin Legislature has directed the department to adopt rules that conform to the PMO.

(2) Under the PMO and current state rules, all raw milk received by a dairy plant must be tested for certain drug residues (antibiotics from the penicillin family of drugs).

(3) FDA approves tests used for drug residue testing. There are 15 different tests that are approved for use. Some of these tests use a mechanical reader that determines the test result and then records it on a printer tape or directly to a computer. But other approved tests are "visually read", and involve no

mechanical reader. In these tests, an individual analyst interprets a color change to determine whether drug residues are present.

(4) The department currently certifies laboratories and analysts that conduct confirmatory drug residue tests on raw milk samples. The department certifies these laboratories and analysts under ch. ATCP 77, Wis. Adm. Code. The department does not currently certify laboratories or analysts that perform only preliminary screening tests for drug residues, although it does provide training. Some preliminary screening tests use mechanical readers, while others are "visually read."

(5) On July 2, 2001, FDA issued a new directive requiring states to approve laboratories that conduct screening tests (not just confirmatory tests) for drug residues in milk. A state must conduct an on-site evaluation before approving a laboratory or analyst to conduct "visual read" screening tests. According to the FDA, the department must complete its evaluations and issue its approvals by March 1, 2002. FDA may de-certify Wisconsin milk shippers if the department fails to carry out this directive, or if milk shipments are not tested by approved laboratories and analysts. De-certification could prevent the movement of Wisconsin milk in interstate commerce.

(6) In order to ensure the continued movement of Wisconsin milk in interstate commerce, the department must adopt rules expanding the current lab certification program under ch. ATCP 77, Wis. Adm. Code. The rules will require certification of laboratories conducting drug residue screening tests. The rules will also require on-site evaluation and approval of individual analysts conducting "visual read" screening tests. The rules will create new lab certification fees to pay for the expanded program, including the cost to perform the required on-site evaluations. The department must adopt these rules as soon as possible, in order to complete the required evaluations and issue the required approvals by March 1, 2002.

(7) The department cannot create this new program, by normal rulemaking procedures, in time to meet the March 1, 2002 deadline. The department is therefore adopting this temporary emergency rule under s. 227.24, Stats., pending the adoption of "permanent" rules by normal procedures. This emergency rule is needed to ensure the continued movement of Wisconsin milk in interstate commerce, and to prevent the economic disruption that would occur if that movement were interrupted.

Publication Date: November 15, 2001

Effective Date: November 15, 2001

Expiration Date: April 14, 2002

Hearing Dates: November 29, December 4, 5 & 6, 2001

Commerce (3)

(Financial Assistance for Businesses and Communities)

(Chs. Comm 105-128)

1. Rules adopted revising **ch. Comm 110** relating to brownfields redevelopment grants.

Finding of emergency

The Department of Commerce finds that an emergency exists and that adoption of the rule is necessary for the immediate preservation of public health, safety, and welfare.

The facts constituting the emergency are as follows. Under section 3628 of 2001 Wis. Act 16, the Department must begin accepting applications from trustees and nonprofit organizations, for brownfields redevelopment grants. And, under section 3630 of the Act, the Department must begin disallowing use of the grant funds to pay either delinquent real estate taxes or lien claims of the Department of Natural Resources or the federal Environmental Protection Agency.

The Department's rules for administering the brownfields grant program are currently contained in ch. Comm 110 Wis. Adm. Code. These current rules do not recognize trustees and nonprofit organizations as eligible applicants, and do not include disallowing grant funds for payments on either back taxes, or on state or federal lien claims.

In November, the Department expects to begin promulgating permanent rules for making ch. Comm 110 consistent with Act 16. Due to the mandatory rulemaking procedures under ch. 227, Stats., the permanent rules are not expected to become effective until July 1, 2002. In order to comply with Act 16 by accepting applications and issuing grants for trustees and nonprofit organizations prior to then, emergency rules reflecting these changes are needed, as included herein. These emergency rules also address the above disallowance for grant proceeds, and include some minor updating of the ch. Comm 110 criteria for submitting grant applications and for filing subsequent financial and program reports.

Pursuant to s. 227.24, Stats., this rule is adopted as an emergency rule to take effect upon publication in the official state newspaper and filing with the Secretary of State and Revisor of Statutes.

Publication Date: October 27, 2001

Effective Date: October 27, 2001

Expiration Date: March 26, 2002

Hearing Date: January 11, 2002

2. Rules adopted revising **ch. Comm 108**, relating to community development block grant program.

Finding of emergency

The Department of Commerce finds that an emergency exists and that adoption of a rule is necessary for the immediate preservation of public health, safety and welfare.

The facts constituting the emergency are as follows:

- Under the state's Consolidated Plan for the expenditure of U.S. Department of Housing and Urban Development Funds (HUD), the department has available Community Development Block Grant Funds specifically for community and economic development projects that typically are planned and designed during the winter months for commencement when the ground thaws.

- Having the ability to make these grants available at this time would assist eligible local governmental units with their project planning, obtain bids during a time when bids can be as much as 20 percent less than bids obtained in late winter or early spring, and allow for construction start-up early in the spring.

- Project readiness is a consideration in awarding grants under this program.

- Bid letting and contract approvals made prior to the construction season may allow for the completion of construction projects within one construction season.

- The acceptance and funding of applications at this time will provide an economic stimulus at the local government level in the form of planning, engineering and particularly construction contracts which offer high paying jobs.

This rule revision relates to changes in definitions which occurred in the 1999 Wis. Act 9; additional program funds now available from U.S. Housing and Urban Development (HUD); revising the application schedule on a continuing basis; and updating the process of scoring applications.

Currently public facility grants to eligible communities are awarded annually. Under this proposal, grants can be awarded throughout the year making it easier for communities to prepare and submit their proposals.

The rule revisions reflect the expansion of funding programs for public facilities planning to issue grants to eligible local governments for public facilities planning up to \$12,500 per plan.

Publication Date: December 1, 2001

Effective Date: December 1, 2001

Expiration Date: April 30, 2002

Hearing Date: January 16, 2002

3. Rules adopted creating **ch. Comm 107**, relating to Wisconsin technology zone program.

Finding of emergency

The Department of Commerce finds that an emergency exists and that adoption of a rule is necessary for the immediate preservation of public health, safety and welfare.

Facts constituting the emergency are as follows:

- In accordance with s. 560.02 (4), Stats., the department of Commerce has the responsibility to promulgate rules to provide for the attraction, promotion and expansion of high-technology business in the state.

- Section 560.96, Stats., makes available certain tax benefits for certified businesses within the 8 designated technology zones. Tax benefits are available to certified businesses if their tax year begins on or after January 1, 2002.

- In response to a downturn in the economy and recent economic forecasts, Governor McCallum has prioritized the need to promulgate these rules as part of his economic stimulus package.

- The technology zone program will address several action items identified by the 2000 Wisconsin Economic Summit to ensure Wisconsin's short- and long-term economic vitality and success, including:

1. Combating the state's 'brain drain' by increasing high tech jobs.

2. Linking Wisconsin's research expertise with Wisconsin firms to grow clusters of high-tech jobs.

3. Linking economic strategies across regions for power through collaboration.

- This emergency rule is being created in order that the process of designating the 8 technology zones be commenced as soon as possible and that such eligible businesses may become certified and participate in the tax benefits through the Wisconsin Technology Zone Program.

Publication Date: December 5, 2001
Effective Date: December 5, 2001
Expiration Date: May 4, 2002
Hearing Date: January 11, 2002

Financial Institutions – Banking

A rule was adopted creating **s. DFI–Bkg 80.90**, relating to registration fees under the Wisconsin Consumer Act.

Finding of emergency

2001 Wis. Act 16 authorizes the Department of Financial Institutions to adopt rules pertaining to registration fees under the Wisconsin Consumer Act. The proposed rule revises the formula for calculating these fees. Without this rule, the department is unable to effectuate the legislature's requirement that registrations be completed by February 28, 2002.

Publication Date: December 3, 2001
Effective Date: December 3, 2001
Expiration Date: May 2, 2002
Hearing Date: January 28, 2002

Health & Family Services

(Health, Chs. HFS 110—)

Rules adopted creating **s. HFS 119.07 (6m)**, relating to prescription drug coinsurance coverage.

Exemption from finding of emergency

These are emergency rules creating HFS 119.07 (6m), Wis. Admin. Code to establish for prescription drug coverage a drug benefit separate from the medical benefits for the Health Insurance Risk–Sharing Plan (HIRSP) as authorized by s. 149.14 (5) (e), Stats., as amended by 2001 Wisconsin Act 16, and s. 149.146 (2) (am) 5., Stats., as created by 2001 Wisconsin Act 16. Section 9123 (9w) of the Act authorizes the department to use the emergency rulemaking procedures under s. 227.24, Stats., to promulgate these rules, exempts the department from making a finding of emergency, and from providing evidence that promulgating these rules as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare.

The HIRSP Board of Governors on September 13, 2001, approved the coinsurance rate and out-of-pocket limits established in these rules, as required by s. 149.14 (5) (e) Stats., as amended by 2001 Wisconsin Act 16 and s. 149.146 (2) (am) 5, Stats., as created by 2001 Wisconsin Act 16.

Analysis Prepared by the Department of Health and Family Services

The State of Wisconsin in 1981 established a Health Insurance Risk–Sharing Plan for the purpose of making health insurance coverage available to medically uninsured residents of the state. HIRSP health insurance coverage includes prescription drug coverage. Currently, two major

issues affect HIRSP prescription drug coverage. The first issue is that pharmacies have difficulty determining the financial liability of HIRSP policyholders. The second issue is that the current system of HIRSP reimbursement to policyholders for prescription drug costs is financially burdensome to HIRSP policyholders. To resolve these issues, the department proposes to implement effective January 1, 2002, new coinsurance provisions for HIRSP's drug benefit that will clarify the financial liability of HIRSP policyholders for covered prescription drug costs and eliminate the process of reimbursing policyholders for prescription drug expenses by establishing policyholders' minimum and maximum out-of-pocket costs for covered prescription drugs.

The proposed rules will affect approximately 12,000 HIRSP policyholders statewide.

Publication Date: December 20, 2001
Effective Date: January 1, 2002
Expiration Date: May 31, 2002
Hearing Date: January 29, 2002

Natural Resources

(Fish, Game, etc., Chs. NR 1–)

Rules adopted revising **ch. NR 20**, relating to sturgeon spearing on the Lake Winnebago system.

Finding of emergency

The department of natural resources finds that an emergency exists and the foregoing rule is necessary for the immediate preservation of the public health, safety or welfare. The facts constituting this emergency are:

Winter spear harvest of sturgeon has continued to exceed the total allowable harvest goals due to an increase in spearing pressure and the current format of the season, which allows continued spearing for 1 day following the announcement of the season closure (when 80% of the total allowable harvest is reached). Harvest on the final day of the 2001 season resulted in a final harvest that exceeded the total allowable harvest by 52%. An emergency order is needed to protect the sturgeon population by preventing continued overharvest of female sturgeon during the 2002 season while permanent rules are being developed. The early closure should reduce spearing effort by 40%, which should decrease the daily harvest and reduce the risk of exceeding the total allowable harvest on the final day of the season.

Publication Date: December 14, 2001
Effective Date: December 14, 2001
Expiration Date: May 13, 2002
Hearing Date: January 14, 2002

Pharmacy Examining Board

Rules adopted revising **chs. Phar 1 and 2**, relating to a pharmacy internship program.

Finding of emergency

2001 Wis. Act 16 creates and amends rules relating to a pharmacy internship program.

Section 3608L of Wis. Act 16, Wis. Stats. s. 450.045, which had previously authorized a Pharmacy Internship Board to implement and oversee the practice of pharmacy in this state by pharmacy interns prior to receiving licensure from the Pharmacy Examining Board.

Section 2154 of Wis. Act 16 mandates that effective December 31, 2001, the repeal of Wis. Stats. s. 450.045 becomes effective. As of December 31, 2001, there will currently be pharmacy interns still serving internships in this state and additional pharmacy students beginning January 1, 2001, who will seek to begin an internship program. However, no standards or oversight will be in place by administrative rule of the Pharmacy Examining Board which is now charged with authority for the pharmacy internship process.

The administrative rule-making process will not allow rules to be in place as of January 1, 2002, without the use of the emergency rule procedure. The emergency rule is needed therefore to effect a transfer of oversight from the extinguished Pharmacy Internship Board to the Pharmacy Examining Board as of January 1, 2001.

Publication Date: December 30, 2001
Effective Date: January 1, 2002
Expiration Date: May 31, 2002
Hearing Date: February 12, 2002

Public Instruction

Rules adopted revising **ch. PI 35**, relating to the Milwaukee parental choice program.

Finding of emergency

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

In the past, private schools that intended to participate in the Milwaukee parental choice program were required to submit to the state superintendent a notice of intent to participate by May 1, 2001 Wis. Act 16 changed the submission date of the notice from May 1 to February 1. The rules allow a private school to choose from a variety of student application periods. The student application period chosen by the private school must be indicated on its notice. Because the notice is due at the department by February 1, emergency rules must be in place as soon as possible.

Publication Date: January 28, 2002
Effective Date: January 28, 2002
Expiration Date: June 27, 2002

Transportation

Rules adopted amending **s. Trans 102.15**, relating to the issuance of driver's licenses and identification cards.

Finding of emergency

This rule is adopted in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. On November 21, 2001, the New York Times reported that to support their terrorism, terrorists finance applications for political asylum and thus implant terrorist cells in Western Europe. This rule change could

interrupt terrorists who have applied for or received asylum in the United States and who attempt to obtain Wisconsin identification documents.

Because of the urgency of current government efforts directed at taking steps to interrupt terrorist workings, this order adopting an emergency rule shall take effect as provided below.

Publication Date: December 21, 2001
Effective Date: December 21, 2001
Expiration Date: May 20, 2002
Hearing Date: February 15, 2002

State Treasurer

Rules adopted creating **ch. Treas 1** relating to the Wisconsin College Savings Program Board.

Exemption from finding of emergency

Section 15 (1), 2001 Wis. Act 7 provides an exemption from a finding of emergency for the adoption of ch. Treas 1.

Analysis prepared by the Office of the State Treasurer

Statutory authority: Section 14.64 (2) (e), Stats., and section 15, 2001 Wis. Act 7.

Statutes interpreted: s. 14.64 *et seq.*, Stats.

The Wisconsin College Savings Program Board establishes a rule for the operation of the College Savings Program. The rule is designed to grant flexibility to program participants wherever possible, while enabling the State and its private-sector partners to administer the program in a manner that protects the program's financial integrity and viability. Maintaining eligibility as a "qualified tuition program" pursuant to section 529 of the Internal Revenue Code [26 USC 529] is another primary objective. "529" programs are eligible for a number of federal tax benefits that are attractive to families saving for future college costs. Significant features of the rule are addressed below:

Sections Treas 1.03, 1.04 and 1.05 describe who may open an account and how to open an account. Section Treas 1.06 discusses designating a successor owner and describes how to change ownership of an account. Sections Treas 1.07 and 1.08 define the account beneficiary and how to change the beneficiary on an account.

Section Treas 1.09 details how to make contributions to an account, including minimum and maximum contribution limits, and how to "rollover" an account balance to another section 529 program. IRS requirements relating to investment direction are also detailed.

Sections Treas 1.11, 1.12 and 1.13 describe account withdrawals, distributions and refunds. Special circumstances are also provided for in these sections, such as the death or disability of the beneficiary or receipt of a scholarship by a beneficiary. Section Treas 1.14 sets forth conditions under which the Board may terminate an owner's account. Sections Treas 1.15 and 1.16 address related fees and penalties.

Publication Date: January 7, 2002
Effective Date: January 7, 2002
Expiration Date: June 6, 2002
Hearing Date: March 5, 2002

Volunteer Fire Fighter and Emergency Medical Technician Service Award Board

Rules adopted creating **ch. VFF-EMT 1**, relating to the length of service award program.

Exemption from finding of emergency

Section 10 (3) (a), 1999 Wis. Act 105.

Analysis prepared by the Department of Administration:

Statutory authority: ss. 16.004 (1) and 16.25 (2), (3), (4) and (5), Stats.

Statutes interpreted: s. 16.25 *et seq.*, Stats.

Pursuant to section 16.25 (2) through (5), Stats., the Volunteer Fire Fighter and Emergency Medical Technician Service Award Board ("Board") is required to establish by rule a program ("Length of Service Awards Program" or "Program") to provide length of service awards, as described in 26 USC 457 (e) (11), to volunteer firefighters ("VFF") and municipalities that operate volunteer fire departments or contract with volunteer fire companies, and to volunteer emergency medical technicians ("EMT"). To the extent permitted by federal law, the Program is to be designed to treat length of service awards as a tax-deferred benefit under the Internal Revenue Code. The rules are to include design features for the Program, the requirements for and the qualifications of private sector entities that are eligible to provide administrative services and investment plans under the Program, and an appeal. Significant features of the rule are addressed below:

Section VFF-EMT 1.04 describes eligibility requirements for municipalities wishing to participate in the program, such as adopting a resolution or ordinance authorizing participation, developing standards for determining the service required of the individuals it sponsors in order to qualify for municipal contributions and providing for circumstances where municipalities wish to jointly operate, or contract with, the same volunteer fire department or volunteer fire company.

Section VFF-EMT 1.05 sets forth requirements and procedures for municipal contributions made on behalf of eligible volunteers, and for the state's matching contribution (up to \$250 per eligible individual annually).

Section VFF-EMT 1.06 sets forth the parameters for municipal contributions for prior service rendered before the municipality began participating in the Program. The minimum contribution for prior service is set at \$100, and those contributions may spread over a number of years. A separate accounting is required for these prior service payments.

Section VFF-EMT 1.07 sets forth the Program's vesting requirements and the various permutations possible between full and partial vesting periods and the minimum age requirement (age 60) for payout. Section VFF-EMT 1.07 (1) establishes that 20 years service is required to fully vest and, upon reaching age 60, the award must be paid. (This requirement insures that the benefit maintains its tax deferred status.) Section VFF-EMT 1.07 (2) provides that a fully vested individual age 60 or older may continue to provide service toward a new length of service award under a new account but, for IRS rule purposes, contributions must be paid immediately and cannot accumulate. Section VFF-EMT 1.07 (3) provides for partial vesting after 10 years' service. Should the individual perform more than 10 but less than 20 years' service, upon reaching age 60, he or she will receive

only 50% of the net asset value of the benefit account for the first 10 years of service rendered, and an additional 5% for each year thereafter, up to 19 years. Section VFF-EMT 1.07 (7) allows an individual to provide simultaneous service to two or more separate municipalities but, in such cases, only one year of service credit may be earned.

Section VFF-EMT 1.09 details the notice and procedure for when a VFF-EMT ceases performing service for one participating municipality and begins performing service for another municipality, which utilizes a different program administrator or vendor. Such a transfer is allowed, but the account will be frozen and a new one started with the new program administrator. However, any accumulated years of credited service will continue to count toward the vesting requirements. Section VFF-EMT 1.10 allows for benefits to be received both upon disability, or to the beneficiaries upon death of the VFF-EMT.

Section VFF-EMT 1.12 sets forth minimum program administrator qualifications. These include five years of experience providing a length of service award program, adequate marketing and enrollment services capabilities, various accounting and record keeping procedures and abilities, membership in good standing in various organizations customary in the program administrator's or investment manager's industry that provides protection against loss, and overall financial strength.

Section VFF-EMT 1.13 provides for the administration of plans offered by a program administrator under a contract with the Board, and standard provisions to be included. These include compliance with all pertinent state and federal statutes, rules and regulations, mandatory full disclosure to the Board of all fees and commissions earned directly and indirectly on the operations of the program, audits, and data processing system failure and administrative service interruption contingency plans. Also important are the required annual statements to participating municipalities and the individuals they sponsor, detailing all contributions made and the fees commissions, and charges paid that affect the individual's account.

Section VFF-EMT 1.17 provides for a two-step appeals process in which a VFF-EMT may first protest service credit issues to the participating municipality, which may consult with the program administrator. Any decision of the municipality may be reviewed at the Board's discretion. An individual who has a substantial interest affected by a Board decision may appeal directly in writing to the Board. All Board decisions are final.

Publication Date: September 21, 2001

Effective Date: September 21, 2001

Expiration Date: February 18, 2002

Hearing Date: December 27, 2001

Extension Through: April 18, 2002

Workforce Development (Prevailing Wage Rates, Chs. DWD 290-294)

Rules adopted revising **ch. DWD 290** and creating **ch. DWD 293**, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Finding of emergency

The Department of Workforce Development finds that an emergency exists and a rule is necessary for the immediate

preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The Department of Workforce Development is acting under its statutory authority to adjust thresholds for the application of prevailing wage laws on state or local public works projects and the application of payment and performance assurance requirements for a public improvement or public work. The thresholds are adjusted in proportion to any change in the construction cost index since the statutes were effective or the last adjustment.

If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six to seven months, until the conclusion of the permanent rule-making process. The thresholds are based on national construction cost statistics and are unlikely to be changed by the permanent rule-making process. The department is proceeding with this emergency rule to adjust the thresholds of the application of the prevailing wage rates to avoid

imposing an additional administrative burden on local governments and state agencies caused by an effective decrease of the thresholds due solely to inflation in the construction industry. The department is proceeding with this emergency rule to adjust the thresholds of the application of the payment and performance assurance requirements in s. 779.14, Stats., to avoid imposing an additional administrative burden on contractors for the same reason. Adjusting the thresholds by emergency rule will also ensure that the adjustments are effective on a date certain that is prior to the time of year that the relevant determinations are generally made.

Publication Date: December 27, 2001
Effective Date: January 1, 2002
Expiration Date: May 31, 2002
Hearing Date: February 27, 2002

Scope statements

Agriculture, Trade and Consumer Protection

Subject

Chapter ATCP 21, relating to:

- Establishing flat fees for plant inspection and certification services. The flat fees will cover the cost of providing these services to persons requesting them.
- Establishing rules to prevent imports of Hemlock Woolly Adelgid (*Adelges tsugae* Annand). This serious pest attacks native and ornamental hemlock. It can be transported on nursery stock, logs, lumber with bark, uncomposted bark chips, and uncomposted bark.

Policy analysis

Inspection and certification service fees. The department administers a plant pest inspection and certification program in cooperation with the United States Department of Agriculture and other states. This program facilitates interstate and international shipments of Wisconsin plants and plant commodities by certifying that they are free of regulated pests. The program helps prevent the spread of injurious pests, and makes it possible for Wisconsin to export approximately \$20 million in plant products annually.

The department currently charges fees to persons requesting inspection and certification services. The current fee is \$15.00 for a certificate, plus mileage (at \$0.325 cents/mile), meals, lodging and staff time (at \$20.00/hour, with a \$20.00 minimum). The current fee results in different charges based solely on business location. For example, a lumber mill in LaCrosse pays more for the same service than a lumber mill in Madison. Because the LaCrosse mill is located further from state inspectors, it must pay higher fees for mileage, meals, lodging and hourly expenses.

The current fees also provide insufficient revenues to pay for other key plant protection responsibilities such as pest surveys, trapping, laboratory analysis and administrative costs. The department proposes to set a flat fee of \$30.00 per certificate, which will include miles, meals, lodging and hours required for inspection. The department estimates that this fee will provide greater equity and generate additional program revenue for the plant protection program.

Rules to Prevent Imports of Hemlock Woolly Adelgid. Hemlock Woolly Adelgid (*Adelges tsugae* Annand) is a serious pest of hemlock trees. It can kill hemlocks in as little as 4 years. Hemlock trees are a component of at least four plant communities in Wisconsin and contribute to the diversity of much of northern Wisconsin. Hemlock is a long-lived, late successional tree that provides habitat for wildlife, including endangered species.

Hemlock Woolly Adelgid has not yet been found in Wisconsin. But it has infested portions of 11 states. It can be transported on nursery stock, logs, lumber with bark, uncomposted bark chips, and uncomposted bark. Four states, including Maine, Michigan, New Hampshire and Vermont, have established import controls to prevent imports of this pest to those states.

The department proposes similar controls to protect Wisconsin from infested imports of plant materials, wood and wood products. Import shipments from infested areas would likely need a phytosanitary certificate certifying that the

imported materials have been inspected by officials in the state of origin, and are not infested.

Statutory authority

Sections 93.07 and 94.69, Stats.

Staff time required

The department estimates that it will use approximately 0.50 FTE staff time to develop this rule change. This includes research; drafting, preparing related documents, holding public hearings, and communicating with affected persons and groups. The department will assign existing staff to develop this rule.

Agriculture, Trade and Consumer Protection

Subject

Agricultural Producer Security Program: Grain Dealers, Grain Warehouse Keepers, Milk Contractors and Vegetable Contractors.

Chs. ATCP 98, 99 and 100, Wis. Adm. Code (existing chapters to be repealed).

Ch. ATCP 96, Wis. Adm. Code (new chapters to be created)

Objective of the rule. Update the agricultural producer security program rules to conform to the new statutory program established in 2001 Wisconsin Act 16 (new chapter 126, Stats.).

Policy analysis

DATCP administers programs to protect agricultural producers against catastrophic financial defaults by grain dealers, grain warehouse keepers, dairy plant operators and vegetable contractors.

Before January 1, 2002, DATCP licensed grain dealers and grain warehouse keepers under ch. 127, Stats. DATCP also licensed milk contractors under s. 100.06, Stats., and vegetable contractors under s. 100.03, Stats. DATCP administered related rules under chs. ATCP 98, Wis. Adm. Code (vegetables), ATCP 99 (grain) and ATCP 100 (dairy). The department licensed contractors, and reviewed contractor financial statements. Contractors who failed to meet specific financial standards were required to file security to protect agricultural producers. The department held nearly \$200 million in security.

Beginning in 2002, licensing and regulation of all of these contractors (grain, milk and processing vegetables) was consolidated in a new chapter 126, Stats., with the addition of an agricultural producer security fund, financed by industry assessments. This "insurance pool" is substituted for the former program of individual security. The fund is backed by industry surety bonds (one each for grain, milk and processing vegetables) and by a blanket bond, purchased with fund proceeds. This law change was designed to improve security protection for producers, extend program coverage to previously unregulated "handlers" and "producer agents", reduce industry costs, and free industry working capital for other uses. The law change fundamentally altered the organization and administration of producer security programs.

The current administrative rule chapters (chs. ATCP 98, 99 and 100) do not conform to the new statutory provisions. A new consolidated rule chapter, updating all aspects of the

current rules and developing new provisions as needed, will help clarify the new system.

Policy Alternatives

Maintain current rules as written. This is not a viable alternative. Current rules are no longer consistent with state law or the new security program.

Statutory authority

DATCP proposes to repeal chs. ATCP 98, 99 and 100, Wis. Adm. Code, and create ch. ATCP 96, Wis. Adm. Code, under authority of s. 126.80, Stats.

Staff time required

DATCP estimates it will use approximately 1.0 FTE staff to develop this rule. This includes drafting, preparing related documents, holding public hearings and communicating with affected persons and groups. The department will use existing staff to develop this rule.

Financial Institutions – Credit Unions

Subject

Chapter DFI–CU 72, relating to member business loans.

Policy analysis

The objective of the rule is to create ch. DFI–CU 72. The rule provides certain criteria, exemptions, prohibitions and waivers; establishes procedures for programs and criteria for policies; sets forth collateral, security and record keeping requirements; and sets forth limitations, calculations and classifications relating to member business loans. The rule would be the implementing provision under state law authorizing credit unions to make loans to their members. The promulgation of this rule has been approved by the Credit Union Review Board.

Statutory authority

Sections 186.115 (1) and (2), 186.235 (8) and 227.11 (2), Stats.

Staff time required

40 hours.

Financial Institutions – Corporate and Consumer Services

Subject

Chapter DFI–CCS 10, relating to certain fees for partnerships, corporations, limited liability companies and cooperatives. The objective of the rule is to create ch. DFI–CCS 10.

Policy analysis

2001 Act 16 amended ss. 178.48 (2) and (3), 179.16 (5), 179.88, 180.0122 (1) (z), (2) and (4), 181.0122 (1) (zm), (2) and (4), 183.0114 (1) (t) and (u), and 185.83 (1) (d) and (h); repealed s. 179.16 (4), 180.0122 (1m), and 185.83 (1) (f) and (1) (fm); and repealed and recreated s. 182.01 (4), Stats. The act authorizes the Department of Financial Institutions to adopt rules pertaining to certain fees for partnerships, corporations, limited liability companies and cooperatives.

Statutory authority

Sections 182.01 (4) and 227.11 (2), Stats.

Staff time required

40 hours.

Health and Family Services

Subject

The Department proposes to modify ch. HFS 173, the rules regulating tattooists, tattoo establishments, body piercers and body–piercing establishments. Currently, no education or apprenticeship requirements are in place to assure minimal standards for practitioners and new definitions are needed to reflect changes in the body art profession. The rule modification would require all licensed practitioners to attend department approved health and safety courses to retain their licenses. This would be known as practitioner education requirements. In addition, all new practitioners shall need to have an apprenticeship completed prior to obtaining a license.

Policy analysis

The Department or designated local health departments administer and enforce the licensing of tattooists and body piercers under ch. HFS 173. Chapter HFS 173 became effective on August 1, 1998. Since then, the Department has received monthly complaints of infections or improper actions resulting from poor practitioner procedures. Consequently, the Department is concerned that too high a potential for disease transmission or infection due to improper piercing or tattoo procedures may exist.

The Department believes that the public's interest would best be served by establishing educational and apprenticeship requirements for tattoo and body piercing practitioners. Such educational and apprenticeship standards would likely reduce the public's exposure to communicable disease and infection. Previously, a body art committee established by the Department and composed of industry, regulatory and medical personnel, expressed the unanimous opinion that the most effective method to assure proper training is to have the training or apprenticeship programs developed by individuals under criteria established by an education sub–committee and approved by the Department. The proposed rules would specify that individuals and instructors of the training or apprenticeship programs would also need to meet certain criteria established by the education sub–committee to qualify as trainers. Therefore, the Department is proposing to create practitioner training requirements to assure that all licensed practitioners have adequate knowledge in transmittable diseases, infections and sterilization techniques. The Department also anticipates the need to add new or modify some existing definitions.

To ensure the development of appropriate educational and apprenticeship program standards, the Department will further consult with the body art committee. The Department anticipates that private entities would instruct the required training courses. The Department would verify that practitioners had completed approved training courses and apprenticeships before the Department issues a practitioner's license. A practitioner failing to meet the resultant education and apprenticeship requirements would be ineligible for license renewal and thus unable to practice the art of body piercing or tattoo. However, the elimination of noncompliant practitioners should contribute to reducing the number of complaints or infections resulting from poor practitioner procedures.

The Department projects that a practitioner's annual cost for attending an approved training course would be about

\$100 or roughly the cost of a tattoo or body piercing establishment annual license under s. HFS 173.04 (1) (b). The Department anticipates the apprenticeship training cost to vary in the range from \$500 to \$800 for a six-month training period. Therefore, these requirements may result in new tattooists and body piercers incurring an additional cost of several hundred to a thousand dollars.

Statutory authority

Statutory authority to promulgate ch. HFS 173 rules relating to Tattoo and Body Piercing is found in ss. 252.23 (4), 252.24 (4) and 252.245 (9), Stats.

Staff time required

The Department estimates that the work associated with preparing a proposed rulemaking order will require approximately 500 hours of staff time over one-year to convene and conduct meetings of the advisory body art rule committee and prepare the rulemaking order and fiscal estimate.

Insurance

Subject

To consider changes to the regulation of credit insurance in Wisconsin.

Policy analysis

Consideration of loss ratio requirements, use of prima facie rates, types of coverage permitted, limits to the amount and duration of coverage for various types of credit insurance and other aspects of the regulation of credit insurance. The alternative to consideration of changes is to leave the current requirements unchanged.

Statutory authority

Sections 424.209, 601.01, 601.415 (9), 601.42, 623.06, 625.11, 625.12, 625.34, 631.20, 632.44 (3) and 632.60, Stats., and chs. 421, 422 and 424, Stats.

Staff time required

300 hours.

Natural Resources

Subject

Chapter NR 20, relating to fishing on inland waters and outlying waters.

Policy analysis

Sport fishing for yellow perch on Lake Michigan is closed during June. During the other months, yellow perch are protected by a low (5-fish) daily bag limit. These rules protect yellow perch from excessive harvest but still leave

spawning females vulnerable to sport fishers during May, which is the early part of the spawning season. In order to provide additional protection to the remaining adult yellow perch during the spawning season, the Department is advancing a permanent rule change that would modify the closed season to have it run from May 1 through June 15 each year. That proposal will be considered in the spring hearings this year, but would not take effect until 2003. In order to assure adequate protection of vulnerable female yellow perch during 2002, the Department is proposing to implement the rule change in 2002 through adoption of an emergency order.

Statutory authority

Sections 29.014 (1), 29.041, 227.11 (2) (a) and 227.24, Stats.

Staff time required

16 hours.

Natural Resources

Subject

Chapter NR 20, relating to sport fishing on inland waters.

Policy analysis

There are no policy issues involved; this rule making process is the yearly administrative process to make minor, non-controversial changes to sport fishing regulations.

Statutory authority

Section 29.014, Stats.

Staff time required

110 hours.

Psychology Examining Board

Subject

To make minor changes to existing rules to remove inconsistencies and correct oversights.

Objective of the Rule. Minor changes to existing rules.

Policy analysis

The proposed rule changes will merely conform existing rules to existing practices. The board may undertake a review of all its rules in order to identify inconsistencies, omissions and language that should have been removed as part of earlier rule changes.

Statutory authority

Sections 15.08 (5) (b) and 227.11 (2).

Staff time required

80 hours.

Submittal of rules to legislative council clearinghouse

Please check the Bulletin of Proceedings for further information on a particular rule.

Chiropractic Examining Board

Rule Submittal Date

On February 7, 2002, the Chiropractic Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 15.08 (5) (b), 227.11 (2), Stats.

The proposed rule-making order relates to continuing education courses to include material on chiropractic philosophy.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 21, 2002 at 8:30 a.m. in Room 179A, 1400 East Washington Avenue, Madison, Wisconsin, 53702.

Contact Information

Pamela Haack, Paralegal, Office of Administrative Rules, (608) 266-0495.

Controlled Substances Board

Rule Submittal Date

On February 13, 2002, the Controlled Substances Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 961.11, 961.16 and 961.19, Wis. Stats.

The proposed rule-making order relates to classifying dichloralphenazone as a schedule IV controlled substance under federal law.

Agency Procedure for Promulgation

A public hearing is required and will be held on April 3, 2002 at 9:15 a.m. in Room 179A, 1400 East Washington Avenue, Madison, Wisconsin, 53702

Contact Information

Pamela Haack, Paralegal, Office of Administrative Rules, (608) 266-0495.

Hearings and Appeals

Rule Submittal Date

On February 8, 2002, the Division of Hearings and Appeals submitted proposed rules to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 15.03, 227.11 (2) (b) and 227.43 (1) (d), Stats.

The proposed rules affect ch. HA 1, relating to the practice and procedure for contested case hearings.

Agency Procedure for Promulgation

Public hearing under ss. 227.16, 227.17 and 227.18, Stats; approval of rules in final draft form by Division Administrator, and legislative standing committee review under s. 227.19, Stats.

Contact Information

Louis H. Dunlap
(608) 267-7376

Natural Resources

Rule Submittal Date

On February 5, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rulemaking order affects Ch. NR 10, relating to hunting.

Agency Procedure for Promulgation

A public hearing is scheduled for April 8, 2002.

Contact Information

Kurt Thiede, Bureau of Wildlife Management

Natural Resources

Rule Submittal Date

On February 5, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rulemaking order affects Chs. NR 10, 15, 16 and 17, relating to hunting, trapping and captive wildlife.

Agency Procedure for Promulgation

A public hearing is scheduled for March 11, 2002.

Contact Information

Kurt Thiede, Bureau of Wildlife Management

Natural Resources

Rule Submittal Date

On February 5, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rulemaking order affects Ch. NR 20, relating to fishing on the inland and outlying waters of Wisconsin.

Agency Procedure for Promulgation

A public hearing is scheduled for April 8, 2002.

Contact Information

Pat Schmalz, Bureau of Fisheries Management and Habitat Protection

Natural Resources**Rule Submittal Date**

On February 5, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rulemaking order affects Ch. NR 20, relating to trout fishing on the inland waters of Wisconsin.

Agency Procedure for Promulgation

A public hearing is scheduled for April 8, 2002.

Contact Information

Pat Schmalz, Bureau of Fisheries Management and Habitat Protection

Natural Resources**Rule Submittal Date**

On February 5, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rulemaking order affects Chs. NR 106, 211 and 219, regulating mercury in wastewater discharge permits.

Agency Procedure for Promulgation

A public hearing will be scheduled.

Contact Information

Tom Mugan, Bureau of Watershed Management

Natural Resources**Rule Submittal Date**

On February 5, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rulemaking order affects Chs. NR 299, 300, 351 and 352, relating to permit and water quality certification time limits, exempt activities in nonfederal wetlands and the identification and delineation of nonfederal wetlands.

Agency Procedure for Promulgation

Public hearings are scheduled for March 12, 13 and 14, 2002.

Contact Information

Scott Hausmann, Bureau of Fisheries Management and Habitat Protection

Natural Resources**Rule Submittal Date**

On February 5, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rulemaking order affects Chs. NR 437 and 484, relating to the establishment and operation of a voluntary multi-pollutant emission reduction registry.

Agency Procedure for Promulgation

A public hearing is scheduled for March 20, 2002.

Contact Information

Eric Mosher, Bureau of Air Management

Natural Resources**Rule Submittal Date**

On February 5, 2002, the Department of Natural Resources submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rulemaking order affects Ch. NR 811, relating to the development of an aquifer storage recovery well or the operation of an aquifer storage recovery system by a municipal water utility.

Agency Procedure for Promulgation

A public hearing will be scheduled.

Contact Information

Richard Roth, Bureau of Drinking Water and Groundwater

Psychology Examining Board**Rule Submittal Date**

On February 7, 2002, the Psychology Examining Board submitted proposed rules to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 15.08 (5) (b) and 227.11 (2), Stats.

The proposed rule-making order relates to the scheduling of examinations.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 27, 2002 at 9:15 a.m. in Room 180, 1400 East Washington Avenue, Madison WI 53702.

Contact Information

Pamela Haack, Paralegal
Office of Administrative Rules
(608) 266-0493

Public Instruction**Rule Submittal Date**

On February 11, 2002, the Department of Public Instruction submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

The proposed rule amends Ch. PI 35, relating to the Milwaukee parental choice program.

Agency Procedure for Promulgation

Public hearings will be scheduled.

Contact Information

The Division of Finance and Management is primarily responsible for promulgation of this rule. If you have questions regarding this rule, you may contact:

Tricia Collins
Milwaukee Parental School Choice Consultant
(608) 266-2853

Rule-making notices

Notice of Hearing

Chiropractic Examining Board [CR 02-020]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Chiropractic Examining Board in ss. 15.08 (5) (b) and 227.11 (2), Stats., and interpreting s. 446.02 (2), Stats., the Chiropractic Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend ss. Chir 5.02 (1) (b) and (2) (a) and 5.03 (2), relating to continuing education courses to include material on chiropractic philosophy.

Hearing Date, Time and Location

Date: **March 21, 2002**
 Time: 8:30 a.m.
 Location: 1400 East Washington Avenue
 Room 179A
 Madison, Wisconsin

Appearances at the Hearing:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by April 5, 2002 to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statute interpreted: s. 446.02 (2), Stats.

Current rules regulating the approval of continuing education courses for the chiropractic profession restrict credit to program subject matter that relates to improving clinical skills. This rule-making order will permit approved continuing education courses in chiropractic to include subject material on chiropractic philosophy. This rule-making order broadens the categories of continuing education programs that can be approved to meet the requirements for the chiropractic profession.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

Initial Regulatory Flexibility Analysis

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a

substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to: Pamela Haack, Department of Regulation and Licensing, Office of Administrative Rules, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708 (608) 266-0495.

Notice of Hearing

Chiropractic Examining Board [CR 01-118]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Chiropractic Examining Board in ss. 15.08 (5) (b) and 227.11 (2), Stats., and interpreting s. 446.01 (2), Stats., the Chiropractic Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend s. Chir 4.03; and to create s. Chir 4.02 (3), relating to parapsychological space and the practice of chiropractic.

Hearing Date, Time and Location

Date: **March 21, 2002**
 Time: 9:45 a.m.
 Location: 1400 East Washington Avenue
 Room 179A
 Madison, Wisconsin

Appearances at the Hearing:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by April 4, 2002, to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statute interpreted: s. 446.01 (2), Stats.

In a recent opinion of the Attorney General regarding the practice of chiropractic, the definitions of chiropractic that appear in s. 446.01 (2), Stats., and ss. Chir 4.02 and 4.03, contain general language which does not provide specific guidance to chiropractors and to practitioners of other professions. In this proposed rule-making order the board creates additional, more specific language.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

Initial Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to: Pamela Haack, Department of Regulation and Licensing, Office of Administrative Rules, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708 (608) 266-0495.

Notice of Hearing**Natural Resources****Fish, Game, etc.****[CR 02-018]**

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.09(2), 29.014, 29.089 and 227.11, Stats., interpreting ss. 23.09(2), 29.089, 29.192 and 29.867, Stats., the Department of Natural Resources will hold a public hearing on revisions to chs. NR 10, 15, 16 and 17, Wis. Adm. Code, relating to hunting, trapping and captive wildlife. The proposed rule contains the following housekeeping rule changes:

Deer hunting – Defines explosive tips for archery hunting, adds a map of Deer Management Unit 1M to the list of metropolitan deer management units, updates locations where gun deer and muzzleloader hunting is allowed in select wildlife refuges in Marathon County, corrects the date of the one-day youth hunt and provides requirements for public notice prior to special deer season modification.

Pheasant hunting – Updates properties which allow the hunting of hen pheasants and modifies the pheasant harvest regulations for the Bong State Recreation Area hunting zone.

Licensing – Eliminates the requirement that a group's hunting applications be submitted in a single envelope and eliminates the requirement that state waterfowl and turkey stamps be attached to one's hunting license when hunting.

Bear hunting – Extends the deadline for submitting Class A bear hunting license fees to April 15.

Trapping – Clarifies legal hours for trapping.

Commercial deer farms – Repeals language regarding commercial deer farms made obsolete due to statutory changes.

Citations – Corrects inaccurate citations within the administrative code.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

Monday, March 11, 2002 at 1:00 p.m.

Room 517, GEF #2,

101 South Webster Street, Madison, WI

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Kurt Thiede at (608) 267-2452 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

There is no fiscal effect anticipated.

Written comments on the proposed rule and fiscal estimate may be sent to Mr. Kurt Thiede, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707 no later than March 14, 2002. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Thiede.

Notice of Hearings**Natural Resources****Fish, Game, etc.****[CR 02-017]**

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.09 (2), 29.014, 29.089, 29.184 and 227.11, Stats., interpreting ss. 23.09 (2), 29.089 and 29.184, Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 10, Wis. Adm. Code, relating to hunting. The proposed rule will:

1. Eliminate the Blackhawk Lake Wildlife Area from the list of properties where cock and hen pheasant hunting is allowed.

2. Establish a fall turkey hunting season in Mill Bluff State Park.

3. Increase the population goal in bear management zone "C" from 800 to 1,200 bears.

4. Modify the current bow deer harvest registration requirements to allow hunters to register a bow-killed deer up to 3 days following harvest or by 5:00 p.m. on the day after close of a bow season.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to ss. 29.014 (1), 29.041 and 227.11 (2) (a), Stats., interpreting ss. 29.014 (1) and 29.041, Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 20, Wis. Adm. Code, relating to fishing on the inland and outlying waters of Wisconsin. The proposed rules will:

1. Simplify the trout fishing regulations by eliminating category 1 (10 bag, no size limit), reducing the different types of special regulations (category 5), and adjusting the regulations on many waters to make them more effective.

2. Establish a minimum distance of 100 yards from all lines within which anglers must remain at all times while fishing during the open water season.

3. Amend the registration deadline for sturgeon speared from the Lake Winnebago system from 6:00 p.m. on the day speared to 1:30 p.m. on the day speared and establish a closed season for sturgeon spearing from 12:30 p.m. to 6:30 a.m. of the following day.

4. Establish a catch-and-release only season for brook trout on Whittlesey creek, Bark river, and their tributaries, Bayfield county.

5. Increase the minimum length limit for largemouth and smallmouth bass from 14" to 18" and reduce the daily bag limit from 5 in total to one in total on the Lower Wisconsin river downstream from the Prairie du Sac dam.

6. Change the gamefish season from a continuous open season to a regular closed season (open from the first Saturday in May to March 1) for Big Green lake, Green Lake county.

7. Increase the minimum length limit from 14" to 18" and reduce the daily bag limit from 5 in total to one in total for bass in Vern Wolf lake, Kenosha county.

8. Reduce the daily bag limit from 25 in total to 10 in total for panfish on Vern Wolf lake, Kenosha county.

9. Increase the minimum length limit from 14" to 18" and reduce the daily bag limit from 5 in total to one in total for bass on Greater Bass lake, Langlade county.

10. Increase the minimum length limit from 34" to 50" on Big Carr lake and North Nokomis lake, and from 45" to 50" on Clear lake, Oneida county.

11. Increase the minimum length limit from 15" to 28" and reduce the daily bag limit from 5 to one for walleye on Bass (Weyerhaeuser) lake (T34N R9W S16).

12. Increase the minimum length limit from 34" to 40" for muskellunge on Moose lake, Sawyer county.

13. Increase the minimum length from 34" to 45" for muskellunge on the Chippewa Flowage, Sawyer county.

14. Reduce the daily bag limit from 25 in total to 10 in total for panfish on Sissabagama lake, Sawyer county.

15. Increase the minimum length limit from 15" to 28" and reduce the daily bag limit from 5 to one for walleye on Black Dan, Clear, Island and Winter lakes, Sawyer county.

16. Increase the minimum length limit from none to 28" and reduce the daily bag limit from none to one for walleye on Escanaba lake, Vilas county.

17. Establish a 14" to 18" protected slot limit and reduce the daily bag limit from 5 to 3 with only one fish longer than 18" for bass on Lulu lake, Walworth county.

18. Establish a 14" to 18" protected slot limit and reduce the daily bag limit from 5 to 3 with only one fish longer than 18" for bass on Eagle Spring lake, Waukesha county.

19. Modify the daily bag limit for cisco and whitefish to include lake herring and hybrids, and change the daily bag limit from 25 pounds plus one fish to 10 fish in total for cisco (lake herring), whitefish and hybrids on all Great Lakes waters.

20. Increase the minimum length limit from 40" to 50" for muskellunge on Green Bay, Lake Michigan waters north of Waldo Blvd., Lake Michigan tributaries north of Waldo Blvd. upstream to the first dam or lake, all tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake.

21. Change the closed season from a June closure to a May 1 to June 15 closure for yellow perch on Lake Michigan.

22. Increase the minimum length limit from 15" to 20" and reduce the daily bag limit from 5 to one for brook trout on Lake Superior.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rules will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the

Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that at 7:00 p.m., on April 8, 2002, the County Conservation Congress for each county will hold its election of delegates. Upon completion of the delegate election, the joint spring hearing/Conservation Congress meeting will convene to take comments on the above rule modifications.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on **Monday, April 8, 2002 at 7:00 p.m.** in the following locations:

Adams	Adams Co. Courthouse, Co. Board Room, 402 Main St., Friendship
Ashland	Ashland High School, 1900 Beaser Ave., Ashland
Barron	Barron County Courthouse, Lower Level Auditorium, 330 E. LaSalle, Barron
Bayfield	Drummond High School, Drummond
Brown	Southwest High School, Auditorium, 1331 Packerland Dr., Green Bay
Buffalo	Alma Area High School, Auditorium, S1618 STH '35', Alma
Burnett	Burnett County Govmnt Ctr, Rm. 165, 7410 Co. Rd. K, Siren
Calumet	Chilton Middle School, 421 Court Street, Chilton
Chippewa	Chippewa Falls Middle School, Auditorium A, 750 Tropicana Blvd., Chippewa Falls
Clark	Greenwood High School, Cafeteria, 306 W. Central, Greenwood
Columbia	Columbia Co. Courthouse, 400 DeWitt St., Portage
Crawford	Circuit Courtroom, Crawford Co. Courthouse, 220 N. Beaumont Rd., Prairie du Chien
Dane	Alliant Energy Center (Dane Co. Expo Ctr), John Nolan Dr. & Rimrock Rd., Madison
Dodge	Horicon Senior High School, 841 Gray St., Horicon
Door	Door County Courthouse, Room A150, 421 Nebraska, Sturgeon Bay
Douglas	Solon Springs High School, Baldwin Avenue, Solon Springs
Dunn	Dunn County Fish and Game Club, 1900 Pine Ave., Menomonie
Eau Claire	South Middle School, Auditorium, 2115 Mitscher, Eau Claire
Florence	DNR Natural Resources Center, Lower Large Conf. Room, Hwys. 2 & 101, Florence
Fond du Lac	Theisen Jr. High School, Auditorium, 525 E. Pioneer Rd., Fond du Lac
Forest	Crandon School, Auditorium, 9750 U.S. Hwy. 8 West, Crandon
Grant	Grant Co Fairgrounds, Youth & Ag. Center, Main Auditorium, 916 E. Elm St., Lancaster
Green	Monroe Jr. High School, Auditorium, 1510 13th Street, Monroe
Green Lake	Green Lake High School, Small Gym, 612 Mill St., Green Lake
Iowa	Dodgeville High School, Gymnasium, 912 W. Chapel St., Dodgeville
Iron	Mercer Community Ctr, 2648 Margaret St., Mercer
Jackson	Black River Falls Middle School, LG1 Room, 1202 Pierce, Black River Falls

Jefferson	Jefferson County Fair Grounds, Activity Center, 503 N. Jackson St., Jefferson	Room LGI, 1050 S. Union St., Shawano
Juneau	Juneau County Courthouse, Courtroom, 220 E. State St., Mauston	Sheboygan Sheboygan Falls High School, Auditorium, 220 Amherst Ave., Sheboygan Falls
Kenosha	Bristol Grade School, Gymnasium, 20121 83rd St., Bristol	Taylor Taylor County Fairgrounds, Multi-purpose Bldg., Medford
Kewaunee	Kewaunee Co. Courthouse, Courtroom #1, 613 Dodge St., Kewaunee	Trempealeau Whitehall City Center, Auditorium, 36245 Park St., Whitehall
La Crosse	Onalaska High School, Auditorium, 700 Hilltop Pl., Onalaska	Vernon Viroqua Middle School, Large Lecture Room, Blackhawk Drive, Viroqua
Lafayette	Darlington Community High School, 11838 Center Hill Rd., Darlington	Vilas Plum Lake Community Building, Golf Course Rd., Sayner
Langlade	Langlade Co. Fairgrounds, Multipurpose Bldg, Clover Rm., 1633 Neva Rd., Antigo	Walworth Delavan Darien High School, Auditorium, 150 Cummings St., Delavan
Lincoln	Merrill High School Auditorium, 1201 N. Sales Street, Merrill	Washburn Agriculture Research Station, Hwy. 70E, Spooner
Manitowoc	UW Center–Manitowoc, Gymnasium, 705 Viebahn St., Manitowoc	Washington UW–Washington Co. Campus, Auditorium, 400 University Drive, West Bend
Marathon	Horace Mann Middle School, 1301 N. 13th Street, Wausau	Waukesha Waukesha County Expo Center, “Arena”, 1000 North View Rd., Waukesha
Marinette	Wausaukee High School, Auditorium, N11941 Hwy 141, Wausaukee	Waupaca Waupaca High School, Auditorium, E2325 King Rd., Waupaca
Marquette	Montello High School, Community Rm., 222 Forest Ln., Montello	Waushara Wautoma High School, Performing Arts Ctr., 514 S. Cambridge, Wautoma
Menominee	Menominee Co. Courthouse, Basement Meeting Room, Keshena	Winnebago Oshkosh North High School, Auditorium, 1100 W. Smith, Oshkosh
Milwaukee	Wauwatosa West High School, 11400 W. Center St., Wauwatosa	Wood Pittsville High School, Auditorium, 5459 Elementary Avenue., Pittsville
Monroe	Sparta Meadowview School, Auditorium, 1225 N. Water St, Sparta	
Oconto	Suring High School, Cafeteria, 411 E. Algoma, Suring	NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Al Phelan at (608) 266–0580 with specific information on your request at least 10 days before the date of the scheduled hearing.
Oneida	Rhineland High School, Auditorium, 665 Coolidge Ave., Rhineland	Written comments on the proposed rule revisions for wildlife may be submitted to Mr. Kurt Thiede, Bureau of Wildlife Management, P.O. Box 7921, Madison, WI 53707. Written comments on the proposed rule revisions for fisheries may be submitted to Mr. Pat Schmalz, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707. Written comments shall be postmarked no later than April 9, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings. Written comments will NOT, however, be counted as spring hearing votes.
Outagamie	Riverview Middle School, Auditorium, 101 Oak St., Kaukauna	Fiscal Estimate It is not expected that these changes will result in a fiscal impact.
Ozaukee	Circle B Recreation Center, 6261 Highway 60, Cedarburg	A copy of the proposed rule and fiscal estimates may be obtained from Mr. Al Phelan, Bureau of Legal Services, P.O. Box 7921, Madison, WI 53707 or by calling (608) 266–0580.
Pepin	Pepin Co. Government Ctr., Co. Board Room, 740 7th Ave. W., Durand	
Pierce	Ellsworth Senior High School, Auditorium, 323 Hillcrest, Ellsworth	
Polk	Unity School, Balsam Lake	
Portage	Ben Franklin Junior High School, Auditorium, 2000 Polk St., Stevens Point	
Price	Price County Courthouse, Co. Board Room, Phillips	
Racine	Union Grove High School, Auditorium, 3433 S. Colony Ave., Union Grove	
Richland	Richland County Courthouse, 181 W. Seminary St., Richland Center	
Rock	Moose Lodge, 2701 Rockport Rd, Janesville	
Rusk	Mt. Senario College, Auditorium, 1500 College Avenue, West, Ladysmith	
St. Croix	WI Indianhead Tech College, Cashman Auditorium, 1019 S. Knowles Ave., New Richmond	
Sauk	Al Ringling Theater, 136 4th Ave., Baraboo	
Sawyer	Winter High School, Winter	
Shawano	Shawano Community Middle School,	

Notice of Hearings

Natural Resources

Environmental Protection – General & WPDES [CR 02–019]

NOTICE IS HEREBY GIVEN that pursuant to chs. 281 and 283, Stats., interpreting ss. 283.15 and 283.31, Stats., the Department of Natural Resources will hold a public hearing on the creation of s. NR 106.145 and revisions to chs. NR 211 and 219, Wis. Adm. Code, relating to regulating mercury in wastewater discharge permits. The proposed rule adds a new

high-sensitivity analytical method to ch. NR 219 that allows mercury to be accurately measured in surface waters and wastewater effluents. Proposed s. NR 106.145 makes a finding that wastewater treatment technology for mercury is impractical and requires wastewater permittees to implement pollution prevention programs in exchange for water quality standards variances. Proposed s. NR 211.41 requires municipal entities to impose source reduction measures on users of their sewer systems.

Additional information can be found by visiting the Department Internet page at: ww.dnr.state.wi.us/org/water/wm/ww/index.htm which is the Department's WPDES permits web site, and then clicking on "Mercury in Wastewater Strategy".

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

March 13, 2002 Room 611B, GEF #2,
Wednesday 101 South Webster St., Madison
at 10:00 a.m.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Tom Mugan at (608) 266-7420 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

The Department anticipates no fiscal impact to the state or local governments. The Department has been working with the regulated community on mercury source reduction for years. These rules provide a more systematic means of accomplishing for mercury the intent of rules aimed at limiting the release of toxic pollutants to waters of the state, and are not expected to increase the Department's workload.

Written comments on the proposed rule may be submitted to Mr. Thomas Mugan, Bureau of Watershed Management, P.O. Box 7921, Madison, WI 53707 no later than March 20, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Mugan.

Notice of Hearings

Natural Resources Environmental Protection – Water Regulation [CR 02-015]

NOTICE IS HEREBY GIVEN that pursuant to chs. 23, 30, 31 and 281 and s. 227.11 (2) (a), Stats., interpreting chs. 23, 30, 31 and 281, Stats., the Department of Natural Resources will hold public hearings on the creation of ch. NR 353, Wis. Adm. Code, relating to wetland conservation activities. To encourage wetland conservation and management projects, the

department is proposing to create a general permit process for specific activities used in wetland conservation projects. In addition, the proposed rule establishes a process to authorize maintenance activities by owners of existing wetlands.

For projects whose purpose is wetland conservation, the rule identifies certain activities which, if planned and carried out according to Natural Resources Conservation Service national criteria, will be permitted using a simple general permit procedure. Activities not meeting the rule's requirements will be processed using existing permitting procedures. But in all cases, the rule requires staff to weigh the overall benefits of restoring wetlands versus the potential adverse impacts to other aquatic resources or public rights. The rule also creates a procedure to approve maintenance of preexisting wetland conservation projects.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to 227.11 (2) and 281.36, Stats., interpreting s. 281.36 (4) to (6), Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 299 and 300 and the creation of chs. NR 351 and 352, Wis. Adm. Code, relating to permit and water quality certification time limits, exempt activities in nonfederal wetlands and the identification and delineation of nonfederal wetlands. The proposed revisions to chs. NR 299 and 300 consolidate water regulation permit and water quality certification time limits into one code, ch. NR 300. Currently there are differing time limits for similar actions.

Proposed ch. NR 351 identifies all federal laws, interpretations of federal law, guidance documents and Memorandum of Agreements or Memorandums of Understanding between federal agencies relative to the exemptions of certain activities from regulatory requirements of the Clean Water Act for the purpose of making the exemptions under s. 281.36 (4) and (5), Stats., consistent with existing federal law.

Proposed ch. NR 352 incorporates the use of the 1987 U.S. Army Corps of Engineers wetland delineation manual and federal interpretations and guidance documents into the Wis. Adm. Code for use in nonfederal wetlands.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on:

March 12, 2002 Room 027, GEF #2,
Tuesday 101 South Webster, Madison
at 2:00 p.m.

March 13, 2002 Conference Rooms A & B,
Wednesday Oshkosh Public Library,
106 Washington Ave.,
Oshkosh
at 5:00 p.m.

March 14, 2002 Conference Room,
Thursday DNR West Central Region Hdqrs.,
1300 W. Clairemont,
Eau Claire
at 5:00 p.m.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable

accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Scott Hausmann at (608) 266-7360 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

The Department expects no fiscal impact to state or local governments associated with these rule changes. The duties associated with these rules are already performed by Department staff.

Written comments on the proposed rule may be submitted to Mr. Scott Hausmann, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than March 22, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Hausmann.

Notice of Hearing

Natural Resources

Environmental Protection—Air Pollution Control

[CR 02-012]

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.11 (2) (a), 285.11 and 285.78, Stats., interpreting s. 285.11 (6), Stats., the Department of Natural Resources will hold a public hearing on the creation of ch. NR 437 and revisions to ch. NR 484, Wis. Adm. Code, relating to the establishment and operation of a voluntary multi-pollutant emission reduction registry. Proposed ch. NR 437 specifies which greenhouse gases and air contaminants are included, which entities are eligible to participate, how baselines are determined, how emission reductions are quantified, and how to register reductions. The proposed rule will also incorporate by reference a number of new documents in ch. NR 484.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

March 20, 2002 Room 511 GEF #2,
Wednesday 101 South Webster Street, Madison
at 10:00 a.m.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Eric Mosher at (608) 266-3010 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

The emission reduction registry will require a startup period followed by routine operation of the system. Most of the initial cost of establishing the registry will be in

developing the database, web page, and application forms. Some programming work will also be necessary to add a registry module to the Consolidated Reporting System.

Estimated startup cost = 1/2 FTE for one year = \$30,000 + \$5,000 outreach costs + \$10,000 programming costs = \$45,000.

This cost will be absorbed within the existing Air Program budget through reallocation and redirection of resources involving the existing climate change staff and possible one or more interns.

Estimated costs for ongoing operation of the registry = 1/4 FTE = \$15,000 per year.

This cost will also be absorbed within the existing Air Program budget through reallocation of resources.

Assumptions:

1 FTE = \$60,000 per year.

Estimated number of registry applications = 10 to 50 per year.

Air Management staff have the knowledge and skills needed to develop the registry database, web page, and application forms.

No outside contractor will need to be hired.

Written comments on the proposed rule may be submitted to Mr. Eric Mosher, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707, no later than March 29, 2002. Written comments will have the same weight and effect as oral statements presented at the hearing.

A copy of proposed rule AM-3-02 and its fiscal estimate may be obtained from:

Proposed Rules
Bureau of Air Management
P.O. Box 7921
Madison, WI 53707
Phone: (608) 266-7718
FAX: (608) 267-0560

Notice of Hearings

Natural Resources

Environmental Protection—Water Supply

[CR 02-013]

NOTICE IS HEREBY GIVEN that pursuant to ss. 160.19, 280.11 (1), 281.11, 281.12 (1), 281.13 (3), 281.17 (8) and 281.41, Stats., interpreting ss. 160.19 (2) and (3), 280.11 (1), 281.17 (8) and 281.41, Stats., the Department of Natural Resources will hold public hearings on revisions to ss. NR 811.02 and the creation of subch. IX to ch. NR 811, Wis. Adm. Code, relating to the development of an aquifer storage recovery well or the operation of an aquifer storage recovery system by a municipal water utility.

The proposed rules define terms and create regulatory requirements which are necessary to comply with existing federal regulations pertaining to the quality of drinking water provided by a public water system and the control of underground injection wells. The proposed rules describe the submittal requirements for Department review of a request by a municipal water utility to develop an aquifer storage recovery well or operate an aquifer storage recovery system and identifies the minimum operational standards for ensuring that human health is maintained and that the groundwater resources of the state are adequately protected from contamination.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on:

March 12, 2002 3rd Floor Conference Room, GEF #2,
Tuesday 125 S. Webster, Madison
at 9:00 a.m.

March 13, 2002 Council Chambers, Oak Creek
Wednesday City Hall, 8640 S. Howell Ave.,
Oak Creek
at 1:00 p.m.

March 14, 2002 Room 310, Green Bay City Hall,
Thursday 100 N. Jefferson St., Green Bay
at 1:00 p.m.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Richard Roth at (608) 266-2438 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

The Department of Natural Resources has estimated that adoption of these rules will not have any significant fiscal impact on either state or local government operations

The rules being proposed will provide municipal water utilities with additional flexibility in the design and operation of water treatment and distribution facilities.

Written comments on the proposed rule may be submitted to Mr. Richard Roth, Bureau of Drinking Water and Groundwater, P.O. Box 7921, Madison, WI 53707 no later than April 1, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate may be obtained from Mr. Roth.

Notice of Hearing

Occupational Therapists Affiliated Credentialing Board

[CR 02-026]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Occupational Therapists Affiliated Credentialing Board ss. 15.085 (5) (b) and 227.22 (2), Stats., and ss. 448.956, 448.961, 448.962, 448.963, 448.965, 448.966, 448.967, 448.968, 448.969 and 448.970, Stats., as created by 1999 Wisconsin Act 180, and interpreting ss. 448.956, 448.961, 448.962, 448.96, 448.963, 448.965, 448.966, 448.967, 448.968, 448.969 and 448.970, Stats., the Occupational Therapists Affiliated Credentialing Board will hold a public hearing at the time and place indicated below to consider an order to create chapters OT 1 to 5, relating to the licensure and regulation of occupational therapists and occupational therapy assistants.

Hearing Date, Time and Location

Date: **March 22, 2002**

Time: 9:30 a.m.

Location: 1400 East Washington Avenue
Room 179A
Madison, Wisconsin

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by April 19, 2002, to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

Statutes authorizing promulgation: ss. 15.085 (5) (b) and 227.11 (2), Stats., and ss. 448.956, 448.961, 448.962, 448.96, 448.963, 448.965, 448.966, 448.967, 448.968, 448.969 and 448.970, Stats., as created by 1999 Wis. Act 180.

Statutes interpreted: ss. 448.956, 448.961, 448.962, 448.96, 448.963, 448.965, 448.966, 448.967, 448.968, 448.969 and 448.970, Stats.

1999 Wis. Act 180, creates ch. 448, Subchapter VII, Occupational Therapists Affiliated Credentialing Board. The board creates chs. OT 1 to 5 relating to the licensure and regulation of occupational therapists and occupational therapy assistants.

Fiscal Estimate

The anticipated fiscal effect on the fiscal liability and revenues of any local units of government of the proposed rule is: \$0.00.

The projected anticipated state fiscal effect during the current biennium of the proposed rule is \$0.00.

The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

Initial Regulatory Flexibility Analysis

The proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to: Pamela Haack, Department of Regulation and Licensing, Office of Administrative Rules, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, WI 53708 (608) 266-0495.

Notice of Hearing

Psychology Examining Board

[CR 02-021]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Psychology Examining Board in ss. 15.08 (5) (b) and 227.11 (2), Stats., and interpreting s. 455.045, Stats., the Psychology Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend s. Psy 2.02 (2) and (3), relating to the scheduling of examinations.

Hearing Date, Time and Location

Date: **March 27, 2002**

Time: 9:15 a.m.
 Location: 1400 East Washington Avenue
 Room 180
 Madison, Wisconsin

Appearances at the Hearing:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by April 12, 2002, to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statute interpreted: s. 455.045, Stats.

Currently, s. Psy 2.02, Wis. Admin. Code, requires that the board schedule examinations on the professional practice of psychology at least twice a year. Examinations are now administered by computer. This proposed rule-making order will eliminate a lengthy lead time prior to the examination that was needed when the examination was administered and scored manually. The same rule requires an applicant to complete all application materials "before the first of the month immediately prior to" a board meeting before taking the examination on the elements of practice essential to the public health, safety or welfare. Since the board meets on a different date each month, another proposed rule change would make the lead time for this requirement easier to administer.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

Initial Regulatory Flexibility Analysis

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to: Pamela Haack, Department of Regulation and Licensing, Office of Administrative Rules, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708 (608) 266-0495.

Notice of Hearing

Revenue [CR 01-137]

Notice is hereby given that, pursuant to ss. 71.80 (1) (c) and 227.11 (2) (a), Stats., and interpreting ss. 71.01 (5) (g), 71.03 (2), 71.20 (1), 71.55 (3), 71.80 (18), 77.51 (3r), 77.58 and 77.75, Stats., the Department of Revenue will hold a public

hearing at the time and place indicated below, to consider the amendment of rules relating to returns of persons other than corporations that relate to income, and sales and use tax returns.

Hearing Date, Time and Location

The hearing will be held at 1:00 p.m. on Tuesday, **March 12, 2002**, in Room 6N-8 (6th floor) of the State Revenue Building, located at 2135 Rimrock Road, Madison, Wisconsin.

Handicap access is available at the hearing location.

Analysis Prepared by the Department of Revenue

Statutory authority: ss. 71.80 (1) (c) and 227.11 (2) (a), Stats.

Statutes interpreted: ss. 71.01 (5) (g), 71.03 (2), 71.20 (1), 71.55 (3), 71.80 (18), 77.51 (3r), 77.58 and 77.75, Stats.

SECTION 1. Tax 2.08 (1) (a) 2. and 3. are revised, to conform language to Legislative Council Rules Clearinghouse ("Clearinghouse") standards.

SECTIONS 2 AND 5. Tax 2.08 (1) (a) 4., 5., 6. to 15. and 17. to 28. are renumbered Tax 2.08 (1) (a) 5., 6., 9. to 22., 24. and 26. to 32., due to the addition and deletion of forms as described in sections 3, 4 and 6.

As renumbered, Tax 2.08 (1) (a) 6. is revised, to provide that form 1X is used to amend telefile and netfile returns.

As renumbered, Tax 2.08 (1) (a) 15. is revised, to include information about forms described in section 3.

As renumbered, Tax 2.08 (1) (a) 18. is revised, to correct the name of schedule DC.

SECTIONS 3 AND 6. Tax 2.08 (1) (a) 4., 7., 8., 23. and 25. are created, to list new or previously unlisted forms.

SECTION 4. Tax 2.08 (1) (a) 16. is repealed, to remove obsolete schedule EICW.

SECTION 7. Tax 2.08 (1) (b) 3. is revised, to change the name of form 3S as a result of replacing the temporary recycling surcharge with a recycling surcharge.

SECTIONS 8 AND 9. Tax 2.08 (1) (b) 5. and 6. are renumbered Tax 2.08 (1) (b) 7. and 8., due to the addition of forms as described below.

As renumbered, Tax 2.08 (1) (b) 7. is revised, to correct the name of schedule DC.

Tax 2.08 (1) (b) 5. and 6. are created, to list new or previously unlisted forms.

SECTION 10. Tax 2.08 (3) is renumbered Tax 2.08 (3) (a) (intro.) and revised, to reflect the creation of subdivisions 1. to 3. as explained in section 11.

SECTION 11. Tax 2.08 (3) (a) 1. to 3. are created, to provide updated filing procedures, including filing by electronic means and delivering as prescribed per the creation of s. 71.01 (5g), Stats., and the amendment to s. 71.80 (18), Stats., by 1997 Wis. Act 27.

Tax 2.08 (3) (b) to (e) are created, to provide authority for the department to require certain tax return preparers and tax preparation firms to file returns by electronic means, and to provide exceptions to the requirement.

Both notes at the end of Tax 2.08 are revised, to update the department office location and mailing address and to include additional statutory references.

SECTION 12. Tax 11.01 (1) (title) is created, to clarify the context of the subsection.

SECTION 13. Tax 11.01 (1) (b) is revised, to provide that the form may also be used to file refund claims or report additional taxes for prior periods.

SECTIONS 14 AND 16. Tax 11.01 (1) (c), (d), (e) and (h) are repealed, to remove obsolete forms S-013, S-014, SU-002 and S-108.

SECTIONS 15 AND 17. As a result of the repeals in sections 14 and 16, Tax 11.01 (1) (f) and (g) are renumbered Tax 11.01 (1) (c) and (d), and Tax 11.01 (1) (i) to (k) are renumbered Tax 11.01 (1) (e) to (g).

As renumbered, Tax 11.01 (1) (d) is revised, to reflect the new number of the department of transportation form for aircraft sales.

SECTION 18. Tax 11.01 (2) is repealed and recreated, to provide updated filing procedures, including filing by electronic means and delivering as prescribed per the creation of s. 77.51 (3r), Stats., by 1997 Wis. Act 27; to provide authority for the department to require that certain sales and use tax returns be filed by electronic means and provide exceptions to the requirement; and to move an address to a note, per Clearinghouse standards.

Both notes at the end of Tax 11.01 are revised, to provide the department office location and update the mailing address, and to include an additional statutory reference.

SECTION 1. Tax 2.08 (1) (a) 2. and 3. are amended to read:

Tax 2.08 (1) (a) 2. Form 1A. Income tax. This is an optional short form return ~~which that~~ may be used by individuals who are full-year Wisconsin residents and filing as married filing a joint return, head of household or single.

3. Form WI-Z. Income tax. This is an optional short form return ~~which that~~ may be used by individuals who are full-year Wisconsin residents and filing as married filing a joint return or single.

SECTION 2. Tax 2.08 (1) (a) 4., 5. and 6. to 15. are renumbered Tax 2.08 (1) (a) 5., 6. and 9. to 18. and as renumbered Tax 2.08 (1) (a) 6., 15. and 18. are amended to read:

Tax 2.08 (1) (a) 6. Form 1X. Income tax – amended return. This return may be used by full-year Wisconsin resident individuals to amend form 1, 1A or WI-Z or returns filed using telefile or netfile.

15. Form CN-ES. Composite estimated tax voucher. This form may be used by nonresident ~~athletes, directors,~~ partners, members or shareholders using form 1CNA, 1CND, 1CNP or 1CNS.

18. Schedule DC. Development ~~zone credits~~ zones credit.

SECTION 3. Tax 2.08 (1) (a) 4., 7. and 8. are created read:

Tax 2.08 (1) (a) 4. Telefile and netfile worksheet. Income tax. This is a worksheet that may be used by single individuals under age 65 who file by telephone using telefile or by computer using netfile. Only eligible individuals who have been selected by the department to file in this manner may use telefile or netfile.

7. Form 1CNA. Combined individual income tax return for nonresident members of professional athletic teams.

8. Form 1CND. Combined individual income tax return for nonresident directors of corporations.

SECTION 4. Tax 2.08 (1) (a) 16. is repealed.

SECTION 5. Tax 2.08 (1) (a) 17. to 20., 21. and 22. to 28. are renumbered Tax 2.08 (1) (a) 19. to 22., 24. and 26. to 32.

SECTION 6. Tax 2.08 (1) (a) 23. and 25. are created to read:

Tax 2.08 (1) (a) 23. Schedule MS. Manufacturer's sales tax credit.

25. Schedule RS. Recycling surcharge.

SECTION 7. Tax 2.08 (1) (b) 3. is amended to read:

Tax 2.08 (1) (b) 3. Form 3S. Partnership ~~temporary~~ recycling surcharge.

SECTION 8. Tax 2.08 (1) (b) 5. and 6. are renumbered Tax 2.08 (1) (b) 7. and 8. and as renumbered Tax 2.08 (1) (b) 7. is amended to read:

Tax 2.08 (1) (b) 7. Schedule ~~D DC.~~ Development ~~zone~~ credits ~~zones credit.~~

SECTION 9. Tax 2.08 (1) (b) 5. and 6. are created to read:

Tax 2.08 (1) (b) 5. Form 3U. Underpayment of estimated recycling surcharge by partnerships.

6. Schedule 3Z. Manufacturer's sales tax credit.

SECTION 10. Tax 2.08 (3) is renumbered Tax 2.08 (3) (a) (intro.) and amended to read:

Tax 2.08 (3) (a) (intro.) All forms and information required to be filed or furnished by persons other than corporations shall be filed or furnished by providing the information requested on the appropriate forms, signing the returns or forms as appropriate ~~and delivering them to the department or mailing them to the address specified by the department on the form or in the instructions.~~ and submitting them by one of the following means:

SECTION 11. Tax 2.08 (3) (a) 1. to 3., (b), (c), (d) and (e) are created to read:

Tax 2.08 (3) (a) 1. Mailing them to the address specified by the department on the form or in the instructions.

2. Delivering them to the department or to the destination that the department or the department of administration prescribes.

3. Filing them by the use of electronic means as prescribed by the department.

Note to Revisor: Insert the following note at the end of Tax 2.08 (3) (a):

Note: The destination for delivering forms that the department or the department of administration prescribes and the type of electronic means the department prescribes for filing forms shall be stated on the forms or in the instructions, on the department's internet web site at www.dor.state.wi.us or in the department's quarterly newsletter titled "Wisconsin Tax Bulletin" or other written material.

(b) The department may require a tax return preparer or tax preparation firm to file certain returns prepared by that tax return preparer or tax preparation firm by electronic means. The department shall notify tax return preparers and tax preparation firms by October 1 of any year of the requirement to use electronic means. The requirement to file returns by electronic means shall be effective beginning January 1 of the year following notification.

(c) Paragraph (b) does not apply to a return if the taxpayer has indicated on the return that the taxpayer did not want the return filed by electronic means.

(d) The secretary of revenue may waive the requirement to file by electronic means when the secretary determines that the requirement causes an undue hardship, if the tax return preparer or tax preparation firm otherwise required to file by electronic means does all of the following:

1. Requests the waiver in writing.

Note: Written waiver requests should be addressed to Wisconsin Department of Revenue, Secretary's Office, Mail Stop 3-258, PO Box 8903, Madison WI 53708-8903.

2. Clearly indicates why the requirement causes an undue hardship.

(e) In determining whether the electronic means requirement causes an undue hardship, the secretary of revenue may consider the following factors:

1. Unusual circumstances that may prevent the person from filing by electronic means.

Example: The tax return preparer does not have access to a computer that is connected to the internet.

2. Any other factor that the secretary determines is pertinent.

Note to Revisor: Replace the 2 notes at the end of Tax 2.08 with the following:

Note: Forms may be delivered in person to the Department of Revenue at 2135 Rimrock Road, Madison, Wisconsin. Blank forms may be obtained at the same location, by calling (608) 266-1961 or by writing to Wisconsin Department of Revenue, Forms Request Office, Mail Stop 1-151, PO Box 8951, Madison WI 53708-8951.

Note: Section Tax 2.08 interprets ss. 71.01 (5g), 71.03 (2), 71.20 (1), 71.55 (3) and 71.80 (18), Stats.

SECTION 12. Tax 11.01 (1) (title) is created to read:

Tax 11.01 (1) (title) FORMS.

SECTION 13. Tax 11.01 (1) (b) is amended to read:

Tax 11.01 (1) (b) Form S-012. Also called form ST-12. The monthly, quarterly or annual return used to report state, county and stadium taxes by persons holding a Wisconsin seller's permit, use tax registration certificate or consumer's use tax registration certificate. This form is also used to file refund claims or report additional taxes for prior periods.

SECTION 14. Tax 11.01 (1) (c), (d) and (e) are repealed.

SECTION 15. Tax 11.01 (1) (f) and (g) are renumbered Tax 11.01 (1) (c) and (d) and as renumbered Tax 11.01 (1) (d) is amended to read:

Tax 11.01 (1) (d). Form ~~AR-4~~ DT 1556. A department of transportation form for occasional and dealer sales of aircraft.

SECTION 16. Tax 11.01 (1) (h) is repealed.

SECTION 17. Tax 11.01 (1) (i), (j) and (k) are renumbered Tax 11.01 (1) (e), (f) and (g).

SECTION 18. Tax 11.01 (2) is repealed and recreated to read:

Tax 11.01 (2) FILING RETURNS. (a) Forms required to be filed shall be submitted by one of the following means:

1. Mailing them to the address specified by the department on the forms or in the instructions.

2. Delivering them to the department or to the destination that the department prescribes.

3. Filing them electronically via the department's sales internet process, or "SIP," or some other electronic means prescribed by the department.

Note: Information about SIP is found in Wisconsin Publication 227, "E-File Sales Tax Returns With S.I.P.," which is available from any Wisconsin Department of Revenue office or online at: ww.dor.state.wi.us/html/taxpubs.html.

(b) The department may require a person registered or required to be registered for Wisconsin sales and use tax purposes to file its sales and use tax return by electronic means. The department shall notify the person at least 90 days prior to the due date of the first sales and use tax return required to be filed by electronic means of the requirement to file by electronic means. In its notice, the department shall indicate the period covered for the first return to be filed by electronic means.

(c) The secretary of revenue may waive the requirement for a person to file by electronic means when the secretary

determines that the requirement causes an undue hardship, if the person does all of the following:

1. Requests the waiver in writing.

Note: Written requests should be addressed to Wisconsin Department of Revenue, Secretary's Office, Mail Stop 3-258, PO Box 8903, Madison WI 53708-8903.

2. Clearly indicates why the requirement causes an undue hardship.

(d) In determining whether the electronic means requirement causes an undue hardship, the secretary of revenue may consider the following factors:

1. Unusual circumstances that may prevent the person from using electronic means.

Example: The person does not have access to a computer that is connected to the internet.

2. Any other factor that the secretary determines is pertinent.

Note to Revisor: Replace the 2 notes at the end of Tax 11.01 with the following:

Note: Department of Revenue forms may be delivered in person to the Department of Revenue at 2135 Rimrock Road, Madison, Wisconsin. Blank Department of Revenue forms may be obtained at the same location, by calling (608) 266-2776 or by writing to Wisconsin Department of Revenue, Mail Stop 5-77, PO Box 8902, Madison WI 53708-8902.

Note: Section Tax 11.01 interprets ss. 77.51 (3r), 77.58 and 77.75, Stats.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Initial Regulatory Flexibility Analysis

This proposed rule order does not have a significant economic impact on a substantial number of small businesses.

Fiscal Estimate

The proposed rule order would update the income and sales tax returns and other forms listed in the Administrative Code. It would update filing procedures, including procedures for electronic filing, and indicate when filing by electronic means is required and when exceptions to that requirement are allowed. The changes have no fiscal impact.

Comments on the Rule

Interested persons are invited to appear at the hearing and may make an oral presentation. It is requested that written comments reflecting the oral presentation be given to the department at the hearing. Written comments may also be submitted to the contact person shown below no later than March 19, 2002, and will be given the same consideration as testimony presented at the hearing.

Contact Person

Mark Wipperfurth
Department of Revenue
Mail Stop 6-40
2135 Rimrock Road
PO Box 8933
Madison WI 53708-8933
Telephone (608) 266-8253
E-mail: mwipperf@dor.state.wi.us.

Submittal of proposed rules to the legislature

Please check the Bulletin of Proceedings for further information on a particular rule.

Agriculture, Trade and Consumer Protection

(CR 01-057)

Ch. ATCP 81, relating to Swiss cheese grading.

Agriculture, Trade and Consumer Protection

(CR 01-058)

Ch. ATCP 80, relating to pathogen tests on ready-to-eat dairy products.

Commerce

(CR 01-111)

Chs. Comm 18 and 62, relating to elevators and mechanical lifting devices.

Commerce

(CR 01-135)

Ch. Comm 64, relating to heating, ventilating and air conditioning.

Commerce

(CR 01-142)

Ch. Comm 110, relating to brownfields redevelopment grants.

Commerce

(CR 01-147)

Ch. Comm 107, relating to Wisconsin Technology Zone Program.

Commerce

(CR 01-150)

Ch. Comm 7, relating to blasting in communities.

Financial Institutions – Savings and Loan

(CR 02-006)

Ch. DFI-SL 16, relating to acquiring and holding stock in bank-owned banks.

Financial Institutions – Savings Banks

(CR 02-022)

Ch. DFI-SB 16, relating to acquiring and holding stock in bank-owned banks.

Health and Family Services

(CR 01-108)

Ch. HFS 157, relating to protecting public health by regulating the sources and use of ionizing radiation.

Natural Resources

(CR 00-025)

Ch. NR 153, relating to urban nonpoint source and storm water management grant program.

Natural Resources

(CR 00-026)

Ch. NR 152, relating to model ordinances for construction site erosion control and stormwater management.

Natural Resources

(CR 00-027)

Ch. NR 151, relating to runoff management.

Natural Resources

(CR 00-028)

Ch. NR 120, relating to priority watershed management program.

Natural Resources

(CR 00-034)

Ch. NR 243, relating to animal feeding operations.

Natural Resources

(CR 00-035)

Ch. NR 216, relating to stormwater discharge.

Natural Resources

(CR 00-036)

Ch. NR 154, relating to best management practices, conditions and technical standards.

Natural Resources

(CR 01-103)

Ch. NR 328, relating to shore erosion control for inland lakes and flowages.

Natural Resources

(CR 01-104)

Chs. 600 and 815, relating to control of underground injection.

Public Instruction

(CR 01-119)

Relating to the children at risk program.

Public Instruction

(CR 01-131)

Relating to the elimination of obsolete rules.

Public Instruction

(CR 01-132)

Relating to technical modifications to chapters PI 10, 12 and 37.

Transportation

(CR 01-120)

Ch. Trans 305, relating to standards for vehicle equipment.

Rule orders filed with the revisor of statutes bureau

The following administrative rule orders have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Revisor of Statutes Bureau at (608) 266-7275 for updated information on the effective dates for the listed rule orders.

**Commerce
(CR 00-113)**

An order affecting ch. Comm 108, relating to the community development block grant program.
Effective 4-1-02

**Health and Family Services
(CR 01-105)**

An order affecting ch. HFS 145, relating to control of communicable diseases.
Effective 4-1-02

**Natural Resources
(CR 00-175)**

An order affecting chs. NR 460, 464, and 484, relating to hazardous air pollutant emissions from pulp and paper mills.
Effective 4-1-02

**Public Service Commission
(CR 00-184)**

An order affecting ch. PSC 163, relating to telecommunications utility price regulation.
Effective 4-1-02

**Transportation
(CR 01-121)**

An order affecting ch. Trans 131, relating to vehicle emission inspections.
Effective 4-1-02

**Workforce Development
(CR 01-099)**

An order affecting ch. DWD 11, relating to the aid to families with dependent children program.
Effective 4-1-02

Rules published with this register and final regulatory flexibility analyses

The following administrative rule orders have been adopted and published in the February 28, 2002, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.

For subscription information, contact Document Sales at (608) 266-3358.

Administration (CR 01-086)

An order creating ch. Adm 48, relating to the department's comprehensive planning and transportation planning grants to local governmental units.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

Pursuant to s. 227.114, Stats., the rule herein is not expected to negatively impact on small businesses.

Summary of Comments of Legislative Standing Committees

No comments received.

Financial Institutions (CR 01-112)

An order amending ch. DFI-Bkg 74, relating to procedures for the cancellation and return of certain collection agency accounts.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

Pursuant to s. 227.19 (3m), and final regulatory flexibility analysis is not required.

Summary of Comments of Legislative Standing Committees

No comments received.

Financial Institutions-Corporate Consumer Services (CR 01-122)

An order creating chs. DFI-CCS 1 to 7 and to repeal ch. SS 3, relating to general provisions, acceptance and refusal of documents, the information management system, filing and data entry procedures, search requests and reports, other notices of liens under the UCC, and realty-related filings.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

Pursuant to s. 227.19 (3m), and final regulatory flexibility analysis is not required.

Summary of Comments of Legislative Standing Committees

No comments received.

Health and Family Services (CR 00-020)

An order repealing ch. HSS 56 and creating ch. HFS 56, relating to foster home care for children.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

These rules apply to the following agencies and individuals: the Department of Health and Family Services; the Department of Corrections; the Division of Hearings and Appeals in the Department of Administration; County Departments of Human/Social Services; private child welfare agencies licensed under ch. HFS 54 to license foster and adoptive homes; foster and treatment foster parents; and tribal child welfare agencies that have adopted these rules for purposes of licensing foster homes.

None of these affected agencies or individuals are "small businesses" as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

No comments received.

Health and Family Services (CR 00-172)

An order affecting ch. HFS 163, relating to certification for the identification, removal and reduction of lead-based paint hazards.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

The proposed rule will affect small businesses as defined in s. 227.114 (1) (a), Stats. There are 286 certified lead companies in Wisconsin, of which at least 80% have fewer than 25 employees. There are five providers of training courses. Four of the training providers are companies and one is operated by a labor union. In addition, the proposal includes an option for property owners to obtain a certificate of lead-free status or lead-safe status in exchange for immunity from liability when a child is lead poisoned. The standards and certificates of lead-free status and lead-status will affect rental real estate owners who elect to participate. Many of these owners could be classified as small businesses. Therefore, the Department developed the rule only after careful consideration of the cost and administrative burden to affected parties.

In proposing standards that must be met in order for a real estate owner to receive a certificate of his or her building being lead-free or lead-safe, the Department continually weighed the cost to achieve or maintain a standard against the risk of a child being lead poisoned.

Training for certification was established in modules that allow easy movement to higher discipline levels after completing additional training without having to repeat information. This reduces the required initial amount of time and money, before a person may be sure of his or her commitment, and reduces barriers to upward movement within the lead industry.

Minimum reporting requirements will be placed on trainers and lead professionals. The Department considers the information proposed to be required of property owners

minimally essential for awarding certificates of lead-free or lead-safe to a structure's owner. Such certifications form the basis for the owner's immunity from liability. Therefore, reporting requirements cannot be reduced for "small businesses."

Compliance and reporting requirements have been simplified and consolidated wherever possible while:

1. Assuring building owners a basis for immunity from liability.
2. Providing the Department adequate monitoring and enforcement information.
3. Providing the public sufficient information about individual buildings.
4. Providing the legislature with progress reports mandated in 1999 Wis. Act 113.

Schedules and deadlines are limited to what the Department considers to be essential for program operation. Since the proposed rule offers immunity from legal liability if specified standards necessary for ensuring the physical health of occupants are met, the compliance standards must be uniform for all parties and cannot be lessened simply because a structure's owner meets the statutory definition of a small business.

Fees were established at levels expected to be sufficient to support the program and slowly repay GPR startup funds authorized by the legislation, without providing an excess of funds. Since many certification disciplines and all instructor approvals and course accreditations are issued for 2 years, the Department also had to consider fees that would be sufficient if revenues received in one year of the 2-year cycle were substantially greater than in the other year of the 2-year cycle.

Summary of Comments of Legislative Standing Committees

The Department submitted the legislative report, including final proposed rules, to the presiding officers on August 30, 2001. The rules were assigned to the Assembly Committee on Housing and the Senate Committee on Universities, Housing and Government Operations. While neither committee held a hearing on the final proposed rules, Senator Erpenbach and Representative Sykora asked to meet with the Department regarding the rules. In addition, the Department submitted germane modifications to the final proposed rules on October 29th, November 11th and 27th and December 11th, 2001.

Health and Family Services (CR 01-106)

An order affecting ch. HFS 90, relating to early intervention services for children with developmental needs in the age group from birth to 3.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

The revision of ch. HFS 90 will decrease the number of forms county administrative agencies are required to complete and the number of calculations agencies are required to perform as part of their billing and collection responsibilities under the Birth to 3 Program. Counties may delegate their billing and collection responsibilities to a service provider by written agreement. Occasionally, service providers are small businesses as defined under s. 227.114 (1) 9a), Stats. Since county administrative agencies have ultimate responsibility for the paperwork associated with determining parental cost share and, through these proposed

rules, the Department is proposing to ease the administrative burden of the program, the Department has not proposed specific exemptions from these requirements for small businesses.

Summary of Comments of Legislative Standing Committees

No comments received.

Health and Family Services (CR 01-116)

An order affecting ch. HFS 111, relating to licensing of emergency medical technicians-intermediate and approval of emergency medical technician-intermediate operational plans.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

These rules apply to the following organizations: the Department of Health and Family Services, the Division of Hearings and Appeals in the Department of Administration, ambulance service providers and emergency medical technicians-intermediate.

Some affected ambulance service providers may be "small businesses" as defined in s. 227.114 (1) (a), Stats. These rules implement new requirements, but any additional training costs are optional and there is no requirement to increase the current level of service provided.

Summary of Comments of Legislative Standing Committees

No comments received.

Natural Resources (CR 01-037)

An order affecting ch. NR 20 and 25, relating to sport fishing for yellow perch in Green Bay and its major tributaries and to commercial fishing for yellow perch in Green Bay.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

No additional compliance or reporting requirements will be imposed on commercial fishers as a result of these rule changes. No additional skills are required.

Summary of Comments of Legislative Standing Committees

The rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environmental Resources. On December 5, 2001, the Assembly Committee on Natural Resources held a public hearing. No requests for modification were received as a result of the hearing.

Nursing Home Administrator Examining Board (CR 01-101)

An order affecting chs. NHA 1 to 5, relating to examination, education, continuing education, reciprocity requirements and unprofessional conduct.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

No comments received.

**Regulation and Licensing
(CR 01-100)**

An order affecting chs. RL 80 to 86, relating to real estate appraisers.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

No comments received.

**Regulation and Licensing
(CR 01-102)**

An order affecting ch. RL 87, relating to the 2002 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

These rules will have no significant economic impact on

a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

No comments received.

**Revenue
(CR 01-088)**

An order affecting chs. Tax 61 to 63, relating to Wisconsin lottery retailers and nonprofit organization retailers and the Wisconsin lottery's major procurements.

Effective 3-1-02

Summary of Final Regulatory Flexibility Analysis

The proposed rule order does not have a significant economic impact on a substantial number of small businesses.

Summary of Comments of Legislative Standing Committees

No comments received.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **February 2002**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

Revisions

Administration:

Ch. Adm 48 (entire chapter)

Financial Institutions--Banking:

Ch. DFI-Bkg 74

S. DFI-Bkg 74.001 (3)

S. DFI-Bkg 74.08 (2) and (4)

Financial Institutions--Corporate and Consumer Services:

Chs. DFI-CCS 1 to 7 (New Code)

Health and Family Services:

(Community Services, Chs. HFS 30--)

Ch. HFS 56 (entire chapter)

Ch. HFS 90

S. HFS 90.06 (1), (1m) and (2) (h) to (q)

S. HFS 90.11 (2) (a) and (4) (intro.)

S. HFS 90.12 (2) (c)

(Health, Chs. HFS 110--)

Ch. HFS 111 (entire chapter)

Ch. HFS 163 (entire chapter)

Natural Resources:

(Fish, Game, etc., Chs. NR 1--)

Ch. NR 20

S. NR 20.20 (73) (j)

Ch. NR 25

S. NR 25.05 (1) (d)

S. NR 25.06 (2) (b) and (c)

S. NR 25.09 (2) (b)

S. NR 25.10 (2) (b) and (e)

Nursing Home Administrator Examining Board:

Ch. NHA 1

S. NHA 1.02 (intro.), (2n), (3) and (5m)

Ch. NHA 2

S. NHA 2.02 (intro.)

Ch. NHA 3

S. NHA 3.02 (5)

Ch. NHA 4

S. NHA 4.01 (1) (d)

Ch. NHA 5

S. NHA 5.02 (15)

Regulation and Licensing:

Ch. RL 80

S. RL 80.03 (1a), (2), (2a), (3), (7g), (8a), (8b), (8bg), (8d), (9), (10r), (12), (13) and (14)

Ch. RL 81

S. RL 81.03 (1) (c) and (2) (b) to (e)

Ch. RL 82

S. RL 82.02 (1)

S. RL 82.03 (entire section)

Ch. RL 83

S. RL 83.02 (2) to (7)

Ch. RL 84

S. RL 84.01 (1), (6), (7) (e), (7g) and (8) to (13)

S. RL 84.02 (2)

S. RL 84.03 (2) (a)

Ch. RL 85

S. RL 85.01 (4) and (5)

S. RL 85.02 (entire section)

Ch. RL 86

S. RL 86.01 (4), (6) and (10)

S. RL 86.02 (1)

Ch. RL 87

S. RL 87.01 (entire section)

S. RL 87.02 (intro.), (2) (intro.) and (a)

Revenue:

Ch. Tax 61

S. Tax 61.01 (entire sections)

S. Tax 61.02 (2) to (10)

S. Tax 61.03 (entire section)

S. Tax 61.04 (1) (intro.), (a) and (e), (3) and (4)

S. Tax 61.05 (1)

S. Tax 61.06 (2) and (4)

S. Tax 61.07 (entire section)

S. Tax 61.08 (1), (3), (5), (7), (8), (10), (11) (b), (e) and (h), (13), (14) (b), (bm), (c) and (d), (15), (16), (19), (20) and (21) (intro.) and (a) to (h)
 SS. Tax 61.09 to 61.10 (entire sections)

Ch. Tax 62 (entire chapter)

Ch. Tax 63

S. Tax 63.01 to 63.04 (entire sections)
 S. Tax 63.06 (1) to (3), (5) to (7), (8) (b), (c), (d) and (g), (9), (10), (11) (a), (c) and (d), (12) to (14) and (15) (intro.), (a) and (e) to (h)
 SS. Tax 63.07 and 63.08 (entire sections)

Editorial corrections

Corrections to code sections under the authority of s. 13.93 (2m) (b), Stats., are indicated in the following listing:

Administration:

Ch. Adm 15

S. Adm 15.04 (2) (f), (9) (intro.) and (d) had corrections made under s. 13.93 (2m) (b) 1. and 7., Stats.

Ch. Adm 35

S. Adm 35.03 (4) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Health and Family Services:

(Community Services, Chs. HFS 30—)

Ch. HFS 90

S. HFS 90.11 (6) (a) had a correction made under s. 13.93 (2m) (b) 7., Stats.

(Medical Assistance, Chs. HFS 100—)

Ch. HFS 101

S. HFS 101.03 (6), (11), (128) and (169) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Ch. HFS 102

S. HFS 102.01 (7) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. HFS 102.04 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. HFS 103

S. HFS 103.065 (2) and (4) (c) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Ch. HFS 104

S. HFS 104.01 (4) (c) and (5) (d) had corrections made under s. 13.93 (2m) (b) 7., Stats.

S. HFS 104.02 (6) and (7) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Ch. HFS 105

S. HFS 105.23 (1) (a) and (b) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. HFS 105.25 (1), (2) (a) and (b) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. HFS 105.27 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. HFS 105.39 (1) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. HFS 106

S. HFS 106.06 (25) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. HFS 107

S. HFS 107.11 (4) (k) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. HFS 107.13 (3) (d) and (3m) (a) had corrections made under s. 13.93 (2m) (b) 7., Stats.
 S. HFS 107.24 (4) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.
 S. HFS 107.36 (2) (b) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Ch. HFS 108

S. HFS 108.03 (3) (h) and (4) had corrections made under s. 13.93 (2m) (b) 7., Stats.

Regulation and Licensing:

Ch. RL 85

S. RL 85.01 (4) had a correction made under s. 13.93 (2m) (b) 7., Stats.

Sections affected by revisor's corrections not published

Revisor's corrections under s. 13.93 (2m) (b), Stats., identified in this Wis. Adm. Register.

Subscriber's note: Please make corrections (manually) in your printed code. The affected sections are shown as corrected on the Revisor of Statutes Internet site, [Http://www.legis.state.wi.us/rsb/](http://www.legis.state.wi.us/rsb/), and on the WisLaw® CD-ROM. Printed code will be shown as corrected in its next printing.

Location of invalid cross-reference	Invalid cross-reference	Correction
Comm 61.40 (2)	66.036	145.195
Comm 62.3408 (1) (b)	106.50 (1) (L)	106.50 (1m) (L)
NR 526.09 (4) (d)	526.09 (4) except par. (h)	526.09 (4) (a) to (g)
RL 25.03 (3) (L) 4.	106.04	106.50
RL 25.035 (2) (e)	66.432, 106.04	66.1011, 66.1011, 106.50
RL 35.01 (12m)	33.07	33.06
Tax 8.43	176.341	125.68 (8)
Tax 12.073	70.665	74.09
Tax 12.40 (3) (a) 1.	144.01 (5)	281.01 (5)
Tax 12.40 (3) (a) 1.	144.30 (1)	285.01 (1)
Tax 12.40 (3) (b)	144.01 (8)	281.01 (7)
Tax 13.03 (3)	144.85 and 144.86 (3), Stats.	293.37, 293.49, and 293.51, Stats.
Tax 13.03 (4m)	144.839 (3)	293.43 (3)
Tax 13.03 (4m)	144.839	293.43
Tax 13.03 (4m)	144.831 (1)	293.31 (1)
Tax 13.03 (8)	144.85	293.49
Tax 13.03 (11) (b) 1.	144.85	293.37
Tax 13.05 (4) (a)	144.831 (1)	293.31 (1)
Tax 13.05 (4) (b) 3. and (d)	144.839	293.43
Tax 13.06 (2) (a)	144.85	293.37
Tax 13.06 (4) (c)	144.91 (2)	293.83 (2)
Tax 13.07 (2) (c) 6. a.	144.838 (1)	293.33 (1)
Tax 13.07 (2) (c) 6. a.	144.838 (4)	293.33 (4)
Tax 13.07 (2) (c) 9. a.	144.85	293.37
Tax 13.07 (2) (c) 9. c.	144.831	293.31
Tax 13.07 (2) (c) 9. c.	144.84	293.35
Tax 13.07 (2) (c) 9. c.	144.85	293.37
Tax 13.075 (1), (2) (a) and (2) (a) Note	144.838	293.33

Location of invalid cross-reference	Invalid cross-reference	Correction
Tax 13.075 (2) (a) Note par (g)	144.839 (3)	293.41 (3)
Tax 13.075 (2) (b) 4., 5. and (3)	144.838	293.33
Tax 13.08 (1) (h)	144.838	293.33
Tax 13.08 (1) (L)	144.855	293.65
Tax 13.08 (2)	144.831	293.31
Tax 13.08 (2)	144.839	293.43
Tax 13.09 (1)	20.566 (7) (a)	20.566 (7) (g)
Tax 13.10 (5) Note	203.12 (1)	Deleted reference; there has never been an s. 203.12.
Tax 13.13 Note	59.20 (13)	59.25 (3) (rm)
Tax 14.04 (2)	66.058	66.0435
Tax 14.04 (3) (e)		
Tax 14.05 (8) (a), (b) and (c)	66.40	66.1201
Tax 19.03 (1) (f) 1., 2. and (4) (b)	66.46	66.1105

Executive orders

The following are recent Executive Orders issued by the Governor.

Executive Order 37. Relating to the creation of the governor's task force on jails and community corrections.

Executive Order 38. Relating to a special session of the legislature.

Executive Order 39. Relating to the creation of the governor's task force on small business regulatory reform.

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